

# INTERNATIONAL LABOUR OFFICE

GENEVA, SWITZERLAND

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*BRANCH OFFICES*

International Labour Conference

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TWENTY-FOURTH SESSION

GENEVA, 1938

**Regulation of Hours of Work and  
Rest Periods of Professional Drivers  
(and their Assistants)  
of Vehicles engaged in Road Transport**

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Fourth Item on the Agenda

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GENEVA

INTERNATIONAL LABOUR OFFICE

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1938

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## INTRODUCTION

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At its Eighty-first Session (October 1937) the Governing Body of the International Labour Office decided that a question it had already placed on the Agenda of the 1938 Session of the International Labour Conference should be formulated in the following terms *Regulation of hours of work and rest periods of professional drivers (and their assistants) of vehicles engaged in road transport*

The Governing Body's decision to place this question on the Agenda of the Conference met the wishes that the trade unions of the workers concerned had been putting forward for many years past

As far back as 1926 the question had been referred to the International Labour Organisation by the International Federation of Christian Factory and Transport Workers' Trade Unions, which requested the International Labour Office to consider certain claims for the protection of professional motor-car drivers with a view to the inclusion of this subject on the Agenda of the Conference

In 1928 the International Labour Conference adopted a resolution proposed by Mr Mertens, which requested the Governing Body to consider under what conditions an investigation could be made into the conditions of work of motor-vehicle drivers, and to decide in what form the results of the investigation could be published

In 1929 the International Transport Workers' Federation submitted to the League of Nations Advisory and Technical Committee on Communications and Transport a programme of the demands of motor-vehicle drivers, several points of which were found to be within the competence of the International Labour Organisation

The Governing Body of the International Labour Office, at its Seventy-fifth Session (April 1936) discussed a proposal submitted by Mr de Michelis, Italian Government representative, concerning the steps to be taken with a view to the adoption of international regulations for the protection of workers engaged in road motor transport in regard to their conditions of employment, safety, and social welfare, and instructed the Office to continue and extend its study of this question, particularly in regard to hours of work and

the prevention of accidents It was understood that when the Office had carried its studies far enough, the Governing Body might consider what steps should be taken for the adoption of international regulations for the protection of workers employed in road motor transport

At its Seventy-seventh Session (November 1936) the Governing Body provisionally selected the question of the regulation of hours of work and rest periods in road transport undertakings as an item which might be submitted to the Conference at its Session in 1938, the final decision was to be taken by the Governing Body at its next Session

Finally, at its Seventy-eighth Session (February 1937) the Governing Body decided to place on the Agenda of the 1938 Session of the Conference the question of the regulation of hours of work and rest periods in road transport

The question came before the Governing Body again, however, at its Session in October 1937, in connection with the decision to place on the Agenda of the Conference the question of the generalisation of the reduction of hours of work Although that decision also covered transport workers, the Governing Body did not wish to delete from the Agenda an item already placed on it, but it decided to give the item the wording indicated above

Thus in consequence of the various steps reviewed above and the preliminary studies made by the Office, a question has been placed on the Agenda of the International Labour Conference that is of special importance to the regulation of conditions of employment in road transport

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## CHAPTER I

### THE DEVELOPMENT AND STRUCTURE OF NATIONAL REGULATIONS

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In order to provide a background for the detailed analysis of national regulations, a general description of the development and structure of the regulations governing hours of work in road transport is given in the first chapter of this Report

The first section briefly outlines the history of the development of hours regulation in road transport, while the second and third sections deal with the different types and forms the regulations may take. The fourth and last section describes the regulations actually in force in the countries covered by the Report

#### § 1 — The Development of Regulation

Compared with other industries, the regulation of hours of work in road transport is still in a relatively backward state. This is because the industry itself is of recent growth and is not yet stabilised. The enormous expansion of motor traffic during the past ten years has been accompanied by a parallel increase in the importance of the road transport industry and in the number of workers it employs, and though considerable progress has recently been made with the adoption of measures to regulate the conditions of employment of these workers, this has not kept pace with the growing problems of the industry.

The early history of the regulations concerning hours of work in road transport is bound up with that of general hours-of-work legislation. General hours-of-work or eight-hour-day Acts adopted in a number of European countries during the years following the war included road transport within their scope. Weekly rest legislation has also included special provisions for transport workers in general from an early date. Sometimes these measures contain special provisions for road transport workers and sometimes they authorise exceptions to the normal provisions on general

grounds which partly cover transport work. But in any case the early provisions are of a general character, designed to apply to the staffs of road transport undertakings as a whole rather than to the operators of vehicles only, and to horse drivers, who necessarily operate within a smaller area than motor drivers and whose employment raises less difficult problems, as much as to drivers of motor vehicles.

As the road transport industry developed, however, the scanty provisions contained in the general labour laws proved quite inadequate to deal with the problems raised by this very special type of employment. The fact that with the development of long-distance road transport, both of passengers and of goods, the industry began to be a serious rival to railway transport furnished a powerful argument, both social and economic, in favour of more adequate regulation. The existence of so large a body of unregulated labour in an expanding industry which, owing to the facilities it provided and the small capital outlay it required, was already in a very favourable competitive position, was a source of heavy financial loss to the railway companies. The keen competition between road and rail also tended to keep the working conditions of road transport workers at a low level in order to reduce costs. Moreover, as the railway companies began to develop their own road transport services, their road transport workers came under the strict system of regulation applicable to railway staffs, thus creating further unfair competition within the road transport industry itself. The position was further aggravated by the fact that even in countries where trade unionism is a strong factor in regulating working conditions, road transport workers, owing to the peculiarities of their employment, were very inadequately organised, and were thus unable to repair the deficiencies of protective legislation by collective bargaining.

It also became increasingly evident as time went on that the problem of the regulation of hours and rest periods for motor drivers did not concern the workers alone, but likewise affected the safety of the general public. Unlike the railway worker, the road transport worker does not operate in a closed system but in direct contact with the daily life of the community on the roads. An over-tired driver is thus a potential cause of accidents and a danger to the safety of the passengers and goods carried in his own vehicle and of all other road users as well, and it becomes the duty of the State to protect the public against this danger.

This argument is reinforced from the standpoint of the worker's

protection by the fact that driving accidents, even if they are caused by over-fatigue, may have very serious consequences for the driver and may prejudice his chances of future employment.

All these reasons led gradually to the introduction of more specialised regulations to control hours of work and rest periods in the road transport industry. This was done in two principal ways. Some countries enacted special laws forming part of their general labour legislation to regulate the hours of work and rest periods of road transport workers. In *Switzerland* a law of this kind applying to Government-run or concessionary road transport undertakings was introduced as early as 1920, generally speaking, however, special measures did not become frequent until after 1930. Elsewhere, advantage was taken of the enactment of road traffic or transport legislation of various kinds, laying down conditions for the licensing and operation of motor vehicles, to provide for the regulation of the driving hours and rests of drivers of certain vehicles. The pioneer country in this field of legislation was *Canada*, where distances are long and motor transport developed early. As early as 1923 a provision limiting the daily driving hours of drivers of passenger vehicles was inserted in a Public Vehicle Act in the Province of Ontario, and though this example was not followed by any of the other Provinces until 1927, Canadian legislation remained ahead of other countries in this domain. In 1930 a similar provision was included in the British Road Traffic Act, and in 1931 for the first time a limitation of driving hours was included in a State law in the *United States of America*, which have recently adopted Federal regulations under an amendment to the Interstate Commerce Act. This form of legislation is now generally found in the English-speaking countries where hours of work are not generally regulated by law, but it is also being adopted in others where road transport workers are covered by other measures as well.

Since 1930 special legislation of all kinds affecting the hours of work of road transport workers has developed very rapidly and increasingly large sections of the industry have been brought under regulation, either by enacting new measures or by extending the scope of existing ones. Attempts have also been made to improve the existing regulative machinery. In *Great Britain*, for instance, the Road Traffic Act of 1933 extended the provision of the 1930 Act requiring the observance of fair wage conditions as a condition for the licensing of certain vehicles, and a Committee set up to enquire into the regulation of wages and conditions of service in the goods



section of the road motor-transport industry reported in May 1937 that the position was still unsatisfactory and made recommendations for reform<sup>1</sup>. In *Switzerland* the system of regulation was completed in 1933 by a very comprehensive Order concerning professional drivers skilfully drafted to co-ordinate the existing provisions and to fill in the gaps left by previous measures.

In countries in which there has recently been a general reduction of hours road transport employees have benefited with the other workers. In *France* the Forty-Hour Week Act of 26 June 1936 brought groups of road transport workers not hitherto covered into its scope and applied the 40-hour week to them with suitable provision for the special requirements of their work. In *Italy*, although transport workers are excluded from the general hours-of-work legislation, the hours fixed for them by collective agreement were reduced in consequence of the provisional Inter-confederal Agreement of 11 October 1934, confirmed in June 1935, which provided that in the case of classes of employment not covered by the hours legislation the competent national employers and workers' associations should examine the possibility of reducing hours of work and draw up agreements upon the subject<sup>2</sup>. In *New Zealand* too where the Industrial Conciliation Act was amended in 1936 to provide for the introduction of a 40-hour week wherever economically possible, the hours of road transport workers have been reduced accordingly by subsequent agreements and awards. It should be noted, however, that road transport workers have not always benefited by the full reduction to a 40-hour week and in most regulations the tendency has been to recognise the necessity for hours longer than the average or for more flexible limits, in the transport industry.

Generally speaking, however, the regulation of hours of work in the road transport industry is still in the experimental stage, and so far the majority of countries have been concerned with establishing some form of limitation of hours, which were recognised as excessively long, rather than with lowering existing limits. The regulations are in many cases still fragmentary and insufficient. They are inadequately co-ordinated nationally while internationally they are conspicuously lacking in uniformity—a serious drawback at least in European countries, in view of the rapid expansion of international road transport of all kinds.

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<sup>1</sup> Cmd. 5440.

<sup>2</sup> The position is unchanged by the Forty-Hour Week Decree of 29 May 1937 which has now replaced the Interconfederal Agreement.

## § 2 — Types of Regulation

The problem of regulating hours of work and rests in road transport may be approached from two different standpoints that of the workers' welfare or that of the safety of the general public. The regulations concerning the hours of work of road transport workers thus differ from those in other fields of industry in that, quite apart from their variety of form, they comprise measures of entirely different types. They fall into two distinct groups—measures of social protection on the one hand, and road safety measures on the other.

Measures of the first type form part of the general body of social regulations. They may be laid down either by legislation or in other ways—for instance, by awards or collective agreements. Whatever form they take, however, their primary object is to protect the worker and to promote his welfare by establishing proper conditions of employment.

Road safety measures, on the other hand, have, strictly speaking, nothing to do with labour legislation. They are laid down in connection with traffic codes, transport Acts and other legislation regulating the licensing and operation of motor vehicles, and their purpose is to protect, not the worker, but the general public against the dangers of the road.

In several cases this distinction was emphasised by the legislating authority when the regulations were being prepared. In *Great Britain*, for instance, during the discussion of the draft Road Traffic Bill in the House of Commons, the Government spokesman stated, in reply to a question pointing out that the long hours of lorry drivers were a source of danger both to the driver and to the general public, that the matter was one of conditions of service and could not properly be dealt with by the Government in the draft Road Traffic Bill<sup>1</sup>. Although this statement was repeated on a second occasion, provisions limiting hours of continuous driving were ultimately included in the Act. But it was considered necessary to underline their special purpose and justify their insertion by the explanation that they were included "with a view to protecting the public against the risks which arise where the drivers of motor vehicles are suffering from excessive fatigue"<sup>2</sup>.

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<sup>1</sup> House of Commons, 23 June 1927, col. 2084/5.

<sup>2</sup> Section 19 of the Road Traffic Act, 1930.

The significance of the distinction lies in the fact that the different purposes which these two types of regulation have in view affect the form and content of their provisions. The difference is clearly put in the following passage of the report of the Swiss Federal Council to the Federal Assembly on the Order concerning the hours of work and rests of professional drivers of motor vehicles<sup>1</sup>, issued under the Traffic Act

“ The provisions concerning hours of work and rest periods were drafted from the point of view of road traffic and not from that of social legislation, although they may have valuable social consequences. We have been obliged to try to do what was necessary for road safety and not what was necessary for the worker from the social point of view. In so doing, we have had to remain within the scope of the Act—i.e. to ensure adequate rest periods for all professional drivers, and also to regulate the hours of work and hours of attendance of drivers of passenger transport undertakings and drivers permanently or mainly employed in the transport of goods, in accordance with the conditions under which such services are organised. As these regulations only deal with traffic, it must be clearly realised from the outset that they cannot contain provisions that would be appropriate in social legislation (e.g. concerning compensation for overtime, the Saturday half-holiday, annual holidays, etc.). On the other hand, they contain provisions that could be dispensed with in social legislation but are indispensable in dealing with traffic conditions, such as the clause which makes the regulations on hours of work and rest periods applicable to persons working on their own account as well as to employed persons. A driver who is an independent worker is just as great a danger to other road users when he is over-tired as an employed person driving in the same state ”<sup>2</sup>

Traffic regulations vary very considerably, however, in their conception of the minimum provisions necessary for road safety. The feature common to all of them is the restriction of daily driving hours or of the spread of the working day. This necessarily has the effect of ensuring an adequate daily rest, even when it is not accompanied by specific provisions for the purpose, but as a rule the regulations also contain provisions concerning the daily rest and breaks.

A second characteristic which also follows from the purpose of these regulations is that the limits set are maximum limits—that is to say, they represent maximum hours of work, comprising overtime as well as ordinary hours, which may not be exceeded except in case of unforeseeable emergency, whereas social regula-

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<sup>1</sup> Order of 4 December 1933 (*L.S.*, 1933, Sw. 8)

<sup>2</sup> *Feuille fédérale*, 6 December 1933, pp. 835-836

tions usually fix ordinary hours of work which may be extended on various grounds, subject as a rule to the payment of overtime

A third characteristic is that, for the reasons given in the Swiss Report, safety regulations apply to all professional drivers, whether employed for wages or driving their own vehicles. Enquiries into the goods transport industry have, in fact, shown that the excessively long hours worked where there are no adequate restrictions are often due to the competition of small carriers who own and drive their own vehicles

Lastly, a minor point which is of interest for the purposes of this Report is that the safety regulations apply only to the drivers of motor vehicles, to the exclusion of horse drivers, who on the other hand are often covered by the social legislation

Otherwise, there is no great uniformity among road safety provisions, nor any hard-and-fast line of demarcation between them and social regulations. Apart from the fact that safety regulations are bound incidentally to benefit the worker, many of them go considerably beyond the minimum requirements strictly necessary for traffic safety. In *Australia*, for instance, the Transport Regulation Act of Victoria prohibits the transport of goods on Sunday, while in the *United States* the traffic legislation of Missouri requires a minimum monthly rest and that of Tennessee, South Carolina and Wisconsin fixes minimum weekly rather than daily hours. The *Swiss* Order already mentioned, in spite of the statement in the report cited above to the effect that it was designed primarily as a safety measure, nevertheless contains provisions concerning weekly hours, the weekly rest and overtime. This is in fact the road safety measure which goes furthest in the direction of bridging the gap between the two types of regulation with a view to protecting the general public and the road transport worker at one and the same time

Moreover, even where the traffic regulations merely fix maximum daily hours and a minimum daily rest they are often supplemented by other regulations of the social type which usually fix shorter hours and deal with other conditions of employment in greater detail. These take the form of awards, determinations of joint bodies or collective agreements in the English-speaking countries, and of measures of labour legislation in countries which have a general statutory system of hours regulation. It must be remembered, however, that these other regulations seldom cover all groups of road transport workers, so that for a large number of employees in the industry hours are controlled only by traffic regulations

### § 3 — Forms of Regulation

The regulations governing hours of work in road transport are extremely varied in form. As already stated, road transport is a new industry, which owing to its special needs and nature could not be fitted automatically into the framework of existing regulations. Measures to regulate hours have tended to be adopted piecemeal as the need for them arose. Further, except in those traffic regulations which apply indiscriminately to all professional drivers, road transport workers have not generally been regarded as forming a single industrial group for the purposes of hours regulation, but have been dealt with in three main categories, each presenting its own special problems: workers engaged in passenger transport, those engaged in goods transport proper, and those employed in the ancillary transport services of industrial and commercial undertakings. Separate regulations have been adopted from time to time for these various groups, and in many instances different regulations and forms of regulation now exist side by side with the result that in some cases there is overlapping, while in others the hours and other conditions of road transport workers are regulated inadequately or not at all. It is this uneven historical development of regulation in the road transport industry which explains the amount and variety of the material used in the present Report.

The general forms of hours regulation found in road transport consist of legislation, collective rules, awards of conciliation or arbitration authorities, decisions of joint industrial boards and collective agreements. Failing any other form of regulation, the fixing of hours may depend on works rules or individual contracts of employment.

#### I LEGISLATION

The commonest method of regulating hours of work in road transport is by legislation. Owing to the road safety factor involved, and to the consequent practice of making provision for hours regulation in road traffic laws, some statutory limitation of hours is found even in countries whose general policy it is to leave the regulation of hours of work to other methods. As a result, road transport workers in practically all the countries in which the industry is of any importance come within the scope of legislation of one kind or another affecting their hours of work.

This legislation varies considerably, however, in kind, in scope, and in the degree of protection it affords to the workers concerned

The social legislation applicable may be embodied in general hours-of-work or weekly rest legislation, in special laws or regulations for transport workers in general or for particular groups of road transport workers, or in enactments of other kinds which incidentally apply to some classes of road transport workers. The road safety legislation also varies in form. It may be laid down in general Traffic Codes or Transport Acts applying to all or certain kinds of motor vehicles, or in regulations issued by a competent authority under powers granted by such enactments.

(a) *General Hours of Work and Weekly Rest Legislation*

A preliminary point to be noted is that even where transport workers are not specifically mentioned, the general labour legislation governing hours of work and the weekly rest in industry and commerce usually covers the ancillary transport services attached to the undertakings, these transport workers being regarded as employees of the undertaking in exactly the same way as those engaged in the work of production proper. Sometimes work in connection with the transport of goods and materials figures as an exception to the general provisions, the necessary elasticity being secured by allowing permanent extensions or greater latitude in the averaging of hours, as in the *French* Decrees to apply the Forty-Hour Week Act to individual industries or employments. Advantage may also be taken of a general formula, allowing exceptions for intermittent work or preparatory and complementary work, in *Belgium* Orders to regulate hours in transport work accessory to industrial undertakings have been issued under a section of the main Act providing for the extension of hours where owing to the nature of the work the time necessary to carry it out cannot be definitely fixed beforehand. Factory Acts and Shops or Early Closing Acts also sometimes contain provisions concerning delivery men, as in the *Australian* States of Victoria and Queensland and in *Switzerland*, although these, being older enactments, usually apply only to drivers of horse vehicles.

A number of general hours of work or Sunday rest laws, however, cover the road transport industry proper. In the case of general enactments or Labour Codes laying down standard principles applicable to all workers such as exist in *Argentina*, *Germany*, *Mexico* or the *U S S R*, for instance, road transport is implicitly covered, although the industry cannot always be presumed to be

adequately regulated unless suitable measures have been taken to apply the general principles to the peculiarities of the case. Some more detailed general laws concerning hours of work and the weekly rest in industry, such as those of *Norway* and *Spain*, also implicitly include transport undertakings in their scope, while others explicitly specify the road transport industry. Of the latter, some, for instance *Rumania*, have adopted the broad formula of "transport of passengers or goods by road" contained in the definition of industry laid down in the Washington Hours Convention (No. 1) of 1919 and the Weekly Rest (Industry) Convention (No. 14) of 1921. Others specify transport or road transport undertakings in general (e.g. *Belgium*) or road transport employees (e.g. *Canada*, *British Columbia*). In some cases, special provision for hours of work in transport undertakings is contained in the main Act and administrative regulations, as in the *Czechoslovak* Eight-Hour Day Act, the *Norwegian* Workers' Protection Act, and the *Belgian* Weekly Rest Act. The *French* and *German* systems of hours legislation permit of the issue of detailed provisions for road transport in application of the general Act. In other cases the competent authority is empowered to issue special regulations or allow special exceptions for the transport industry or for kinds of work which in practice cover some transport operations. Where such regulations have been issued they are referred to below in the section dealing with special legislation. It may be noted that in some instances a considerable time has elapsed between the passing of the permissive Act and the actual issue of the regulations. In *Poland*, for instance, the general Hours of Work Act empowering the Minister to regulate hours of work in the transport industry was passed in 1919, but the special Decree for the transport industry was not finally issued until 13 December 1933. In *Latvia* this method has been used to transform provisions contained in the Hours of Work Act into a more specialised form of regulation. A recent amendment empowers the Minister of Social Affairs to regulate the hours of drivers by Order, and appropriate regulations are at present being drafted.

Lastly, in some countries the general hours of work legislation covers certain specified groups of road transport workers only. This is so in *Portugal*, for instance, where only urban public passenger services are covered by the general Hours of Work Decree of 24 August 1933, in the *Netherlands*, where only motor-bus drivers are excluded from the Labour Act, and in *Estonia*, where the general Act applies only to passenger and goods transport in towns. Where

this is the position other branches of road transport are usually covered by some special enactment, but in *Estonia* there is no other form of regulation for the excluded branches

### (b) *Special Labour Legislation*

Special measures regulating hours of work in road transport, sometimes connected with the general legislation as described above and sometimes independent of it, but still forming part of the body of labour legislation, exist in a number of countries. Here again, however, the regulations are varied and at the same time fragmentary, applying sometimes to road transport in general but more often to particular branches, areas, or aspects of conditions of employment, such as the weekly rest.

In some countries measures relating to land transport in general cover the operators of certain kinds of vehicles. This applies to *Brazil*, *Poland* and *Portugal*, and so far as the weekly rest is concerned, to *Uruguay*. Elsewhere there is legislation for the road transport industry alone, as in *Greece*, where separate decrees regulate the hours of drivers of passenger transport and goods transport vehicles respectively, or for certain branches of it, examples of the latter are the *Argentine* Decrees for the staff of tramway and motor omnibus services and the *U S S R* Order of 20 October 1929 relating to motor-bus drivers. A *Swiss* Act relating to railways and other transport and communications undertakings covers the section of the road transport industry operated by or on behalf of the Federal Government. There is also special legislation for private chauffeurs in *Austria* and for taxi-drivers in *France* and *Canada* (Manitoba Greater Winnipeg district). Lastly, legislation applying to the public services may also cover some road transport workers, as in *Brazil*.

### (c) *Road Safety Regulations*

Road safety regulations may be the only form of statutory limitation of hours of work in road transport, or they may co-exist with various forms of social regulation. In the English-speaking countries, where this form of regulation is found very generally to-day, it is usually the only form of direct regulation of hours by law, except for weekly rest enactments in certain cases, but more ample protection for the worker is usually ensured by other methods, such as awards, determinations of joint bodies, or collective agreements. In European countries where they exist, the regulations of this type are often found side by side with measures of social



regulation, covering sometimes a wider and sometimes a narrower field. In *Switzerland*, for instance, the hours provisions issued in connection with the traffic legislation apply to all professional drivers not covered by any other law, in *Sweden* to all professional drivers, and in *Belgium* only to motor-bus and motor-coach drivers.

This type of legislation again sometimes sets limits to hours of work and rests by mandatory provisions and sometimes empowers an authority to issue any necessary regulations. (It may be noted in passing that in a few cases where this power exists it has not yet been used, e.g. in the *Canadian* Province of Nova Scotia and in some of the *Indian* Provinces.) Sometimes both methods are used together. Road Traffic or Transport Acts in *Great Britain* and *Australia* (Victoria), for instance, while limiting daily driving hours and rests in the interests of road safety, also provide, under certain conditions, for variation of their provisions by the Minister. Moreover, they try to ensure adequate protection for the workers by attaching conditions as to the observance of fair standards of employment, or of existing awards or agreements, to the issue of licences.

Like the labour legislation, road traffic regulations may also apply to all motor drivers or to the drivers of certain types of vehicles only, generally speaking, they were first introduced for passenger vehicles and have since been extended to cover goods vehicles as well.

## II COLLECTIVE RULES

In *Germany*, the detailed regulation of hours under the Labour Act is effected by collective rules imposed by authority. These rules which, in some cases, are based on the former collective agreements, may be national or local in scope and may apply to different branches of the road transport industry or to separate undertakings.

## III ARBITRATION AWARDS

Where agreement cannot be reached by collective bargaining, in road transport as in other industries, hours of work are fixed by arbitration awards in *New Zealand* and *Australia* (Federal awards, State awards in Queensland, New South Wales and Western Australia). These awards deal with conditions of employment in detail and are delivered either by industrial arbitration courts or by special boards for various branches of the road trans-

port industry They may be State-wide in scope but more usually apply to specified localities or groups of workers In some cases, for instance in New Zealand and in Western Australia, they co-exist with hours provisions in road safety laws and regulations

#### IV DECISIONS OF JOINT BODIES AND COLLECTIVE AGREEMENTS

In some countries standards of employment, including hours and wages, are fixed for all industries, or for all or part of the road transport industry in particular, by the decisions of joint or tripartite bodies which are subsequently given the force of regulations by the competent authority These may take the form of wage-board determinations (*Australia* Victoria), standards of employment (*Spain*), wages and hours schedules (*Canada* Alberta, Ontario, Saskatchewan), or binding collective agreements (*South Africa, Italy*) In *Great Britain* there exist the National Joint Conciliation Board for the road transport industry (goods), and the National Joint Industrial Council for the road passenger industry, but they have no statutory authority and their decisions are not enforceable This system may be the only form of hours regulation for road transport workers, as in *Italy*, or may form part of a general statutory system of regulation as in *Spain*, more often, however, it is found in conjunction with the limited restrictions contained in road safety legislation

Besides the collective agreements binding on the whole group covered and forming the main instrument of regulation mentioned above, collective agreements of major or minor importance in regulating hours of work in road transport are found in a number of countries In some cases the agreements are automatically binding on the industrial group concerned in the area covered if concluded by recognised organisations (e g *Austria*) In others, some or all of their provisions, including hours provisions, may be made binding by the competent authority on application by one or both parties if the contracting organisations are sufficiently representative (e g *Czechoslovakia, France*) Generally speaking, however, even in countries in which voluntary collective bargaining is the main form of hours regulation, uniform collective agreements are comparatively rare in the goods transport branch owing to the backward state of organisation among road transport workers The agreements that exist are usually local in scope and cover small groups of workers

It should be noted that collective agreements, unlike the legislation concerning hours of work, are not mainly concerned with the

limitation of hours but with the fixing of minimum wages. Where regulation is by collective agreement, therefore, ordinary hours of work are the hours for which the specified rate of wages is payable, and unless it is restricted by a clause in the agreement, a special enactment (as in *Denmark*, where an Act of 7 May 1937 prohibits overtime) or road safety legislation, the amount of overtime which may be worked is theoretically unlimited, provided only that the employer is prepared to pay the higher rate prescribed for it. This difference in outlook is responsible for the fact that in countries where unemployment is a serious factor to be reckoned with collective agreements are usually more concerned with laying down a guaranteed *minimum* number of hours' employment as a safeguard against short time than with fixing a strict maximum.

In practice, it will be seen that the daily hours specified in collective agreements or awards are considerably shorter as a rule than the limits set by road safety regulations, where these exist. These agreements have been freely used in this Report wherever available, and the information they furnish is valuable as throwing light on the practical regulation of hours of work. It must be emphasised again, however, that while they undoubtedly correspond to existing conditions, a great many of them are only local in scope, and it is often impossible to judge how far they are representative of other agreements, or of the general conditions of employment in an industry where uniformity is still so far from achievement.

## V OTHER FORMS OF REGULATION

Where no form of collective regulation, either compulsory or voluntary, exists, the hours of work of road transport workers are regulated by works or service rules, which may be of some importance in large transport undertakings, by individual contracts of employment, or by local custom.

### § 4 — The Regulations in Force <sup>1</sup>

Below is given a brief description of the regulations in force in the countries covered by the present Report.

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<sup>1</sup> In the notes to this section the letters *LS* refer to the *Legislative Series* published by the International Labour Office, and the letters *BB* to the *Bulletin* of the former International Labour Office at Basle.

*Argentina* — The legislation concerning hours of work and the weekly rest <sup>1</sup> is applicable to road transport workers as to all other industrial and commercial activities. This legislation is of a general nature, however, and there are no detailed provisions for road transport except for the staff of tramway and motor-omnibus services who are covered by special decrees issued under the Eight-Hour Day Act on 31 December 1930 and 3 March 1933 <sup>2</sup>, and for private chauffeurs in Buenos Aires, for whom special weekly rest provisions were issued on 15 May 1937.

*Australia* — Road transport workers throughout Australia are covered by Commonwealth and State legislation providing for regulation of conditions of employment by conciliation and arbitration or wage board machinery based on collective bargaining. The Commonwealth Arbitration Court has jurisdiction in industrial matters extending beyond the boundaries of a single State, but its awards cover only specified areas. Only goods transport (carters and drivers) is widely covered by Commonwealth awards. In New South Wales, where standard hours are periodically declared by the Industrial Commission, and in Queensland, the Industrial Conciliation and Arbitration Acts lay down certain standard conditions which must be contained in all agreements and awards. Queensland and Victoria have Factories and Shops Acts which impose certain restrictions on the hours of work of transport workers employed in connection with industrial and commercial undertakings. Transport Acts regulating the hours and rest periods of drivers exist only in Victoria and Western Australia, in the latter State the Transport Co-ordination Act of 1934 <sup>3</sup> merely regulates the driving hours and rests of drivers of commercial goods vehicles while the Victoria Transport Regulation Act of 1933 <sup>4</sup> not only prescribes similar restrictions for drivers of commercial goods and passenger vehicles but also makes the issue of a licence conditional on observance of the terms of any Commonwealth or State award, determination or agreement in force.

*Austria* — The hours of work of road transport workers are fixed by regulations issued on 28 July 1920 <sup>5</sup> under general powers of exception conferred by the Eight-Hour Day Act of 17 December 1919. Transport workers also figure in the list of employments in respect of which the provisions of the Sunday Rest Act may be varied. A special Act of 20 December 1928 <sup>6</sup> regulates the employment of private chauffeurs. Collective agreements play some part in the regulation of overtime, they exist for motor-bus, lorry and taxi-drivers in particular.

*Belgium* — Road transport workers are covered by the Hours of Work Act of 14 June 1921 <sup>7</sup>. Provision is made for the granting of exceptions on specified grounds after consulting the parties concerned and Royal Orders have accordingly been issued varying the general

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<sup>1</sup> L S, 1929, Arg 1, 1930, Arg 1, 1933, Arg 1, 1926, Arg 2, 1932, Arg 2

<sup>2</sup> L S, 1930, Arg 3, *Boletín Oficial*, 6 March 1933, No XLI, No 11629, p 205

<sup>3</sup> L S, 1934, Austral 1

<sup>4</sup> L S, 1933, Austral 7

<sup>5</sup> L S, 1920, Aus 14

<sup>6</sup> L S, 1928, Aus 10

<sup>7</sup> L S, 1921, Bel 1

provisions for certain groups of road transport workers<sup>1</sup> The Weekly Rest Act<sup>2</sup> contains special provisions for transport workers Safety regulations for motor-bus and motor-coach services which incidentally limit driving hours were also issued on 12 July 1933 and subsequently amended on 7 April 1936<sup>3</sup>

*Brazil* — Hours of work and the weekly rest in road transport generally are regulated by a special Decree of 18 January 1934<sup>4</sup> concerning hours of work in land transport A separate Act of 5 October 1936<sup>5</sup> regulating hours of work in the public service covers urban passenger services The standard hours may be extended or reduced by collective agreements, which also fix overtime rates, and upon application by the parties the Minister may make such agreements binding on the whole industry within a given area No agreements are available for the road transport industry, however

*Canada* — The only Dominion enactments which may affect road transport workers are the Fair Wages and Eight-Hour Day Act of 1930 applying to Government construction work, and the Lord's Day Act which prescribes a weekly rest of 24 hours for transport workers Road transport workers come under the general labour legislation of the different Canadian provinces, where such exists Alberta, Ontario and Saskatchewan have Industrial Standards Acts providing for the negotiation between employers and workers of wages and hours schedules which on the recommendation of the Minister may be made binding on the industry, and schedules have accordingly been issued for some groups of road transport workers In Alberta transport undertakings are also covered by the Hours of Work Act, and in British Columbia special provisions were issued in 1935 to extend the Hours of Work Act of 1934 to cover the transport industry In Quebec agreements made under the Workmen's Wages Act may be made binding on the whole industry or failing such agreements, regulations may be issued under the Fair Wages Act Sunday labour or weekly rest Acts contain special provisions affecting transport workers in Alberta, British Columbia, Manitoba, Prince Edward Island, Quebec and Saskatchewan In addition, all the provinces except British Columbia have road traffic or transport legislation of various kinds which in the interests of road safety either directly limits the driving hours of all or certain classes of motor vehicles or gives power to an authority to issue appropriate regulations Lastly, Manitoba also has a Taxicab Act of 1935 applying to Greater Winnipeg

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<sup>1</sup> The most important of these Orders apply to the hiring of horse and motor vehicles (5 March 1923, *L S*, 1923, Bel 2, F), to carters and drivers employed by the Belgian National Railway Company (9 February 1929 and 29 September 1930, *L S*, 1929, Bel 1, B and 1930, Bel 4, B), to undertakings mainly engaged in the sale and distribution of petroleum and its by-products (30 January 1936 *L S*, 1936, Bel 1, B), to taxi-cab undertakings, carriers, and undertakings for conveyance by carriage, lorry or cart (15 March 1923, *L S*, 1923, Bel 2, M), and to the transportation, loading and unloading, etc., of goods in so far as these are accessory to an industrial undertaking (23 June 1924 and 25 October 1928, *L S*, 1924, Bel 6, G, and 1928, Bel 2, B)

<sup>2</sup> Act of 17 July 1905 amended on 24 July 1927, *L S*, 1927, Bel 6

<sup>3</sup> *Moniteur Belge*, 1933, No 215, p 3930, 1936, No 108, p 2938

<sup>4</sup> *L S*, 1934, Braz 1

<sup>5</sup> *Diario Oficial*, No 234, 8 October 1936, p 21948

*Czechoslovakia* — Road transport is covered by the general Eight-Hour Day Act of 19 December 1918 <sup>1</sup> and also by the Sunday rest legislation <sup>2</sup> For special categories, which include some classes of transport workers, the Act leaves certain aspects of hours of work (daily or weekly distribution, extensions of hours, overtime rates, rest periods) to be settled by collective agreement, and under a Decree of 26 June 1937 the Minister of Social Welfare may make any provisions of a representative collective agreement binding for the occupation or area concerned Regulations of 19 October 1935 <sup>3</sup> under the Motor Vehicles Act of 26 March 1935 also contain provisions to ensure adequate rest periods for professional drivers in accordance with the general Eight-Hour Day Act

*Denmark* — An Act of 7 May 1937 <sup>4</sup> to prohibit overtime except under specified conditions applies to road transport workers as to all other workers Otherwise the hours of work of road transport workers are regulated by collective agreements which cover the main branches of road transport or by private contract

*Estonia* — Passenger and goods transport in towns is covered by the general Hours of Work Act of 10 June 1931 <sup>5</sup> completed by an Order of 27 August 1931 <sup>6</sup> There is no statutory or collective regulation for the rest of the industry

*Finland* — Road transport workers as a whole are covered by the general eight-hour day legislation <sup>7</sup> Works rules play some part in regulating the distribution of hours

*France* — Road transport is covered by the general Forty-Hour Week Act of 21 June 1936 <sup>8</sup> which provides for the application of the 40-hour week industry by industry by Decrees issued after consulting the representative organisations of employers and workers Decrees have accordingly been issued for specific branches of the road transport industry <sup>9</sup>, transport workers employed in connection with manufacturing industries being dealt with under special provisions of the decrees applying to the industries concerned Special legislation also exists in the form of an Act of 13 March 1937 <sup>10</sup> concerning the organisation of the taxicab industry, providing for the regulation of hours by agreements which may be made locally binding, or alternatively by order of the Minister of Labour An Order issuing regulations for the Paris area was published

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<sup>1</sup> *BB*, 1919, pp 26-40

<sup>2</sup> *BB*, 1913, p 1

<sup>3</sup> *LS*, 1935, Cz 3

<sup>4</sup> *LS*, 1937, Den 3

<sup>5</sup> *LS*, 1931, Est 5

<sup>6</sup> *LS*, 1931, Est 7 A

<sup>7</sup> *Suomen Asetuskokolma*, 1917, No 103, 1918, No 95, 1936, No 421

<sup>8</sup> *LS*, 1936, Fr 8

<sup>9</sup> Decrees of 27 April and 16 July 1937 concerning land transport undertakings (*Journal Officiel*, 28 April 1937, No 99, p 4757, and 17 July 1937, No 164, p 8080), Decree of 27 April 1937 concerning urban and suburban tramway, motor-bus and trolley-bus services (*JO*, 30 April 1937, No 101, p 4829), Decree of 19 May 1937 concerning undertakers' establishments (*JO*, 20 May 1937, No 115, p 5479), Decree of 30 July 1937 concerning the staff of the Paris Area Passenger Transport Company (*JO* 31 July 1937, No 176, p 8675)

<sup>10</sup> *Journal Officiel*, 14 March 1937, No 63, p 3082

on 25 March 1937 and amended by an Order of 10 December 1937<sup>1</sup> Collective agreements also regulate matters of detail under the general Act and Decrees, those concluded between representative organisations may be made binding locally on application by one of the parties

*Germany* — Road transport workers generally are covered by the Hours of Work Order of 26 July 1934<sup>2</sup> The detailed regulation of hours, however, is left to collective rules under the Labour Act of 20 January 1934, which have replaced the former collective agreements and lay down binding minimum conditions for the different employments they cover. The rules may be national or local in scope and in some cases may vary the provisions of the law There are national collective rules for long distance goods transport, while other road transport workers are covered by a great variety of different rules

*Great Britain* — The hours of motor drivers are regulated in connection with road transport or traffic legislation and by collective bargaining The Road Traffic Acts of 1930, 1933 and 1934<sup>3</sup> limit periods of continuous and daily driving and fix rest periods in the interests of road safety The limits are subject to variation by order on application by the parties and orders for variation have been issued in several cases The Acts of 1930 and 1933 also require the observance of fair conditions of employment equivalent to those applicable to work on Government contracts as a condition for the issue of licences authorising the use of buses and coaches on regular services and goods vehicles operating for hire or reward For the goods transport industry (except private carriers, or " ancillary users ") such standard conditions have been drawn up by a National Joint Conciliation Board for the road transport industry to form the basis of collective agreements In passenger transport regulation is by collective agreements which cover the vast majority of undertakings One of these agreements, negotiated through a Joint Industrial Council, covers all municipal undertakings Where no collective agreements exist, private contracts or service rules are the only form of regulation apart from the mandatory provisions of the Traffic Acts

In Northern Ireland driving periods and rests are prescribed by order under the Motor Vehicles Act of 30 November 1926 as amended on 28 June 1934 Other conditions of employment are regulated by collective agreement or private contract

*Greece* — The road transport industry proper is run as a public utility in Greece and road transport workers are regarded as public servants Their hours of work are regulated in detail by special Decrees of 7 December 1932<sup>4</sup> and 27 April and 21 July 1937<sup>5</sup> for the staffs of motor-buses and motor goods vehicles respectively Transport workers employed by industrial and commercial undertakings, however, are covered by a Decree of 27 June 1932<sup>6</sup> to apply the Eight-Hour Day Act A collective agreement of 19 November 1936 regulates the employment of drivers of private motor-cars who are not covered by legislation

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<sup>1</sup> *Journal Officiel*, 26 March 1937, No 72, p 3583, 11 December 1937, No 287, p 13485

<sup>2</sup> *L S*, 1934, Gr 13

<sup>3</sup> *L S*, 1930, G B 9, 1933, G B 3, 1934, G B 6

<sup>4</sup> *L S*, 1932, Gr 2 C

<sup>5</sup> *Ephemeris tes Kyberneseos*, 24 April 1937, No 152, p 997, and 28 July 1937, No 283, p 1799

<sup>6</sup> *L S*, 1932, Gr 2 A

*Ireland* — Transport workers are excluded from the Conditions of Employment Act of 1936 and their hours of work are regulated in connection with the traffic legislation. The Road Traffic Act of 1933<sup>1</sup> and orders issued under it prescribe the hours and weekly rests of drivers and conductors of certain passenger vehicles, while the Road Transport Acts of 1932-1935 empower the Minister to attach conditions concerning hours of work, wages, and other working conditions to the issue of licences for passenger and goods vehicles. The Railways Act of 15 June 1933 provides that the hours of work of road transport workers in the employment of railway companies, which run a large proportion of the passenger-carrying branch, shall be regulated entirely by collective agreement.

*Italy* — Road transport workers are excluded from the scope of the general hours-of-work legislation under a section providing that it shall not apply to work of an intermittent nature, but covered by the general Sunday and Weekly Rest Act of 22 February 1934<sup>2</sup>. In default of legislation, however, the hours of work of employees of transport undertakings are regulated by collective agreements based on the principles of the Labour Charter, binding on all members of the category covered and in many cases national in scope. The actual limits of hours set by many of these agreements were affected by general agreements made between the relevant national Federations of employers and workers in pursuance of the Interconfederal Agreement of 11 October 1934 (confirmed in June 1935 and replaced by a Decree of 29 May 1937), providing for the reduction of hours of work wherever possible.

Transport workers employed by industrial and commercial undertakings are not covered by collective agreements and their hours of work appear to be regulated solely by individual contract or by custom.

*Latvia* — Road transport workers are covered by the general Hours of Work Act of 5 May 1922<sup>3</sup>. The Act excludes some categories of road transport workers but a recent amendment of 30 June 1937 empowers the Minister of Social Affairs to regulate the hours of drivers by order, and such regulations are now in preparation. Certain details in regard to overtime and breaks may be regulated by collective agreements but no agreements are available for road transport.

*Luxemburg* — Road transport is covered by the general hours of work<sup>4</sup> and weekly rest<sup>5</sup> legislation without any special provisions.

*Mexico* — Within the limits of the general Federal Labour Act of 18 August 1931<sup>6</sup> hours of work in all branches of activity may be regulated by State legislation or by collective agreement. The only regulations available for road transport workers under this provision relate to the weekly rest of taxicab drivers and apply solely to the Federal district (City of Mexico)<sup>7</sup>. No collective agreements are available.

<sup>1</sup> *L S*, 1933, I F S 4

<sup>2</sup> *L S*, 1934, It 3

<sup>3</sup> *L S*, 1922, Lat 1

<sup>4</sup> *L S*, 1932, Lux 1, 1933, Lux 1

<sup>5</sup> *BB*, 1914, p 106, 1916, p 16

<sup>6</sup> *L S*, 1931, Mex 1

<sup>7</sup> *Diario Oficial*, 7 December 1935



*Netherlands* — The general Labour Act of 1919, as subsequently amended on various occasions <sup>1</sup>, applies to road transport workers with the exception of motor-bus drivers, and regulations concerning the Sunday rest in land transport were issued under the Act on 6 June 1929 <sup>2</sup>. Motor-bus drivers are covered by special safety regulations concerning public conveyances, issued under an Act of 30 July 1926 and amended on 13 August 1932 <sup>3</sup>. Road safety legislation also exists in the form of an Act of 9 November 1936 <sup>4</sup> to prevent over-fatigue for drivers of motor vehicles, which imposes certain restrictions and provides for the issue of further regulations. This Act has not yet come into force, however. Some collective agreements of local scope regulate minor points concerning hours of work.

*New Zealand* — Transport workers' organisations are covered by the Industrial Conciliation and Arbitration Act amended on 8 June 1936 <sup>5</sup> to provide for the introduction of a 40-hour week, and the hours of most categories are regulated by awards and agreements under the Act. Independently of this form of social regulation, however, regulations limiting driving hours are issued under powers granted to the Governor-General by the Motor Vehicles Amendment Act of 31 July 1936 and the Transport Licensing Amendment Act of 8 June 1936 to attach conditions to the licensing of commercial vehicles.

*Norway* — The Workers' Protection Act of 19 June 1936 <sup>6</sup> covers transport undertakings, for which it lays down special provisions. Local collective agreements are also available for some branches of the industry, applying chiefly to the Oslo district.

*Poland* — Hours of work in the road transport industry are regulated by a Decree issued on 13 December 1933 <sup>7</sup> under the General Hours of Work Act of 1919. Collective agreements also exist, but they may not vary the provisions of the law and play but a small part in the regulation of hours. The transport Decree does not apply to Upper Silesia where the general hours of work provisions merely specify that exceptions necessary in the road transport industry shall be settled by agreement between employers and workers, or failing such agreement, by the Government.

*Portugal* — Hours of work in road transport are regulated in detail by a special Decree of 10 May 1933 <sup>8</sup> concerning hours of work in transport generally. This applies to all branches except urban public passenger services, which are covered by the general Decree of 24 August 1934 <sup>9</sup> regulating hours of work in industrial and commercial undertakings and providing for detailed regulation by collective agreement or by decision of the corporative bodies.

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<sup>1</sup> *L S*, 1930, Neth 2

<sup>2</sup> *L S*, 1929, Neth 5 B

<sup>3</sup> *Staatsblad*, 1926, No 250, and 1932, No 438

<sup>4</sup> *Staatsblad*, 1936, No 802

<sup>5</sup> *L S*, 1936, N Z 1

<sup>6</sup> *L S*, 1936, Nor 1

<sup>7</sup> *L S*, 1933, Pol 1 D

<sup>8</sup> *L S*, 1933, Por 2

<sup>9</sup> *L S*, 1934, Por 5

*Rumania* — Road transport workers are covered by the general Hours of Work Act and Decree of 9 April 1928 and 30 January 1929<sup>1</sup> and by the Sunday Rest Act of 17 June 1925<sup>2</sup>. Drivers may presumably be excluded from the hours provisions, however, under a section relating to intermittent work, such as that of "coachmen and other similar occupations".

*Spain* — Special provisions regulating the hours of work of road transport workers are contained in the Eight-Hour Day Decree of 1 July 1931<sup>3</sup> and in the Legislative Decree and Regulations of 8 June 1925 and 17 December 1926<sup>4</sup> concerning the Sunday rest. These provisions are amplified by standards of employment established by joint provincial boards set up under an Act of 27 November 1931. The conditions embodied in the standards of employment, which must be approved by the Minister, may not be less favourable than those laid down by the law and serve in turn as minimum conditions to be observed in all collective agreements and individual contracts of employment. There is also a Traffic Code of 26 September 1934, amended 9 December 1935<sup>5</sup>, which contains provisions designed to ensure adequate rest periods for drivers of public passenger and goods vehicles.

*Sweden* — Road transport workers are implicitly covered by the general Hours of Work Act of 16 May 1930<sup>6</sup>. Collective agreements exist for large sections of the industry. In addition, a Motor Vehicles Order of 23 October 1936 places direct restrictions on the hours of work and rest periods of professional drivers and also empowers the licensing authority to impose further limitations.

*Switzerland* — Hours of work and rest in road transport are regulated by a combination of social and road safety legislation. The weekly rest legislation<sup>7</sup> and Factory Act<sup>8</sup> apply to the transport services of industrial undertakings. In transport services run by or on behalf of the Federal Government, which form a high proportion of all road transport in Switzerland, hours are regulated by a Transport Act of 6 March 1920<sup>9</sup> and by orders and instructions issued under it. Finally, professional drivers to whom the above legislation does not apply are covered by an Order of 4 December 1933<sup>10</sup> to regulate the hours of work and rest periods of professional drivers of motor vehicles, issued under the Traffic Act of 15 March 1932 and containing full provision for the regulation of hours.

*South Africa* — Hours of work in road transport are not directly limited by law. Organised road transport workers are covered by the Industrial Conciliation Act, however, which provides for the prevention and settlement of disputes by joint industrial councils. These councils may conclude agreements concerning rates of pay, overtime and other

<sup>1</sup> *L S*, 1928, Rum 1, 1929, Rum 1

<sup>2</sup> *L S*, 1925, Rum 2

<sup>3</sup> *L S*, 1931, Sp 9

<sup>4</sup> *L S*, 1925, Sp 3, 1926, Sp 7

<sup>5</sup> *Gaceta de Madrid*, 26 September 1934, No 269, p 2634, and 13 December 1935, p 2234

<sup>6</sup> *L S*, 1930, Swe 1

<sup>7</sup> *L S*, 1931, Sw 9, 1934, Sw 4

<sup>8</sup> Act of 18 June 1914 as amended on 27 June 1919 *B B* 1919, p 205

<sup>9</sup> *L S*, 1920, Sw 1

<sup>10</sup> *L S*, 1933, Sw 8

conditions of employment which incidentally regulate hours of work and which on application to the Minister may be declared binding either on all members of the contracting organisations or on all persons engaged in the industry or calling within the area specified. An industrial council on an occupational basis for motor drivers in the Cape was set up in 1935. Binding agreements for drivers of passenger and goods vehicles are in force in the Cape Province and in Port Elizabeth, but the industry is still largely unregulated elsewhere.

*U S S R* — Hours of work generally throughout the U S S R are regulated in accordance with the provisions of the Constitution by orders of the Central Executive Committee and of the Council of People's Commissaries. Detailed provisions are issued by the General Council of Trade Unions which has taken over the functions of the former Commissariat of Labour. An Order of 20 October 1929<sup>1</sup> issued by the latter body, prescribes shorter hours than the normal for motor-bus drivers. Further, an interpretation of the Labour Code of the R F S S R, which applies throughout the Federated Republics, relating to hours of work on local road transport services, was issued on 9 November 1930<sup>2</sup>. Collective agreements applying to separate undertakings and works' rules play some small part in the regulation of starting and finishing times and of breaks.

*United States of America* — The hours of work of road transport workers are regulated in connection with the general organisation of road transport by Federal legislation in respect of interstate traffic, by State legislation in respect of transport within the States and by collective bargaining. The Federal Motor Carrier Act of 1935 empowers the Interstate Commerce Commission to prescribe maximum hours of service in passenger and goods transport, and Safety Regulations have accordingly been framed under this Act by the Bureau of Motor Carriers, which are due to come into force on 1 July 1938. State traffic or transport laws exist in all but five States and generally include provision for the limitation of hours and for adequate rest periods. Independently of the legislation, collective agreements applying mainly to inter-urban road transport are found to some extent, especially in the passenger-carrying branch. General speaking, however, road transport workers are not widely enough organised for this form of regulation to be important.

*Uruguay* — Road transport workers are covered partly by the general hours-of-work and weekly rest legislation and partly by special measures. An Administrative Decree issued on 15 May 1935<sup>3</sup> under the general Eight-Hour Day Act of 17 November 1915 contains provision for exceptions or exclusions in respect of certain kinds of road transport and the Weekly Rest Act of 10 December 1920<sup>4</sup> applies to drivers employed by industrial and commercial undertakings. A separate Weekly Rest Act of 19 November 1920 applied by Administrative Decrees of 16 June 1921 and 25 February 1927<sup>5</sup> regulates the weekly rest of other drivers.

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<sup>1</sup> *Izvestia NKT*, 1929, No. 50

<sup>2</sup> *Izvestia NKT*, 1930, No. 33

<sup>3</sup> *L S*, 1935, Ur. 1

<sup>4</sup> *Legislación Obrera del Uruguay*, 1924, p. 191

<sup>5</sup> *Legislación Obrera del Uruguay*, 1920, p. 185, 1921, p. 186, *Diario Oficial*, 5 March 1927, No. 6230, p. 495 A

## CHAPTER II

### SCOPE

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#### § 1 — Introduction

At its Eighty-first Session in October 1937 the Governing Body of the International Labour Office was careful to define exactly the scope of the question placed on the agenda of the Twenty-fourth Session of the International Labour Conference and dealt with in the present Report. The item is worded as follows: "Regulation of the hours of work and rest periods of *professional drivers (and their assistants) of vehicles engaged in road transport*"

The present study is therefore concerned not with a certain branch of activity—road transport—but with a specific occupational group, namely, drivers whose occupation it is to drive vehicles engaged in road transport. The title selected by the Governing Body leaves a very wide scope for the future regulations. It includes three main concepts, which are mutually complementary, namely, that of "professional driver" (and subsidiarily of "assistant"), that of "vehicle", and that of "road transport".

Each of these concepts is in itself complex: the drivers or their assistants may possess varying qualifications and may be in different legal positions according to whether they are wage-paid drivers in permanent or temporary employment, employers driving their own vehicles, or drivers working for their own account. The vehicle driven may be horse-drawn<sup>1</sup> or mechanically driven and it may be self-propelled or a trailer. The nature of the transport raises a still larger group of problems: the transport of different kinds of goods, passenger transport, transport for funerals, for the postal service, for municipal road services, etc. Such transport may be carried out by public or private undertakings, and the latter may work independently or under State supervision.

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<sup>1</sup> The term "horse-drawn" is taken here to cover any transport by draught animals.

or with a concession. Again, the transport may be limited to definite geographical areas.

It will therefore be necessary to consider successively the three fundamental concepts mentioned above and discover how they are defined in the national regulations. It is essential to stress again the point mentioned in the preceding chapter, namely, that there are only a few sets of regulations dealing particularly with the conditions of employment of professional drivers in road transport, in a great number of cases the regulations are more general in their scope, covering the transport industry along with other economic activities, and in many cases the regulations are so wide that they do not explicitly refer to transport but tacitly include it in their scope, which is defined by a very wide formula. In these last cases the driver is merely a wage earner governed by the same provisions as the other wage earners concerned. This is the case more particularly with regard to regulations concerning the weekly rest, the scope of which is not defined by specific occupational groups.

The three fundamental concepts used for defining the scope of the question will be taken in the following order: (a) road transport, (b) vehicle, (c) driver.

## § 2 — Scope as regards Road Transport

### I GENERAL FORMULÆ

The expression "road transport" is to some extent self-explanatory: it means the carting or carrying of objects or persons along the public highways—streets or roads—to the exclusion of rail traffic. Consequently, in many of the regulations mention is made of "road transport" without any further explanation, that branch of activity is merely enumerated along with others in a general formula. Some regulations define their scope even more widely, making no mention either of road transport or even of transport in general, but the breadth of the formula selected indicates that they are included in the scope of the regulations.

In *Canada*, for example, in the Province of Ontario the Industrial Standards Act applies implicitly to the transport industry, for it defines industry as including "Any business, calling, trade, undertaking and work of any nature whatsoever and any branch

thereof and any combination of the same which the Minister may designate ” The situation is similar in the Provinces of Alberta, Quebec, and Saskatchewan

In *Spain*, the general legislation on hours of work applies to “ industrial undertakings, occupations and paid work of all kinds carried on under the direction and supervision of another on account of the State, a province or municipality, either directly or by direct labour or under a concession or contract or on account of a private undertaking ”, the fact that this general formula includes transport is confirmed by a special provision of the Hours of Work Act which refers more particularly to the drivers of motor vehicles, hackney carriages, and in general, vehicles available for hire Similar definitions are given in the legislation of *Argentina*, *Mexico*, *Sweden*, and the *U S S R* The most general formula is doubtless that used in *Argentina* in the Eight-Hour Day Act of 1929, which applies to “ persons employed on account of another in any public or private undertaking even if not carried on for profit ”

Regulations of this type sometimes contain special provisions which mention transport or a branch of transport or which exclude from the general scope some particular branch of the transport industry Reference has just been made to the case of *Spain*, in *Uruguay* the Hours of Work Act of 1935 covers industrial and commercial undertakings in general, but it also specially mentions bus services as coming within its scope, although it does not thereby exclude other transport services In *Sweden* the hours of work legislation defines its scope by a general formula supplemented by a list of activities that are excluded, among which mention is made of private or municipal undertakings and road transport services not employing the prescribed minimum number of workers, road transport services in connection with agricultural and forestry undertakings, road transport and road transport services carried out on behalf of the State This clearly means that all other types of transport are implicitly covered by the legislation

Regulations of this type tacitly include drivers engaged in land transport as these form part of the wage earners or salaried employees in general who are covered by the regulations Provisions of a general scope may, however, clearly exclude certain drivers, but in this case the exclusion will apply not only to drivers but to all the persons in question, such exclusions may apply to members of the employer's family, persons employed in small undertakings, temporary employees, etc

As has been said, it is more usual for the regulations to include "transport" or "land transport" in their scope without going beyond this very general term and defining the purpose or nature of the transport in question. In *Brazil*, for example, a special Decree concerning hours of work in land transport applies to all establishments, undertakings, firms, branches or dependencies of any kind engaged in transport services, even if transport is not their main activity or if the transport is intended for their own use. In *Germany* the Hours of Work Order of 1934 applies to various activities including the transport industries. Another example of the same type is the Hours of Work Act of 1919 in the *Netherlands*.

There are sometimes regulations of very general scope within the framework of which special regulations for transport are drawn up. This is the case in the Eight-Hour Day Act in *Belgium*, for example, and in the 40-hour week legislation in *France*. mention will be made later of the Orders or Decrees for different categories of transport. One might also include in this group the *German* regulations according to which collective rules may take the place of the provisions of the Hours of Work Order of 1934 for any particular branch of activity.

Sometimes a general formula is used to define the scope of the regulations, but it is supplemented by an enumeration of certain types of transport. Examples of this kind may be found in the *Austrian* Industrial Code and the Hours of Work Act of 1919, in the Eight-Hour Day Act of *Czechoslovakia*, and in the corresponding legislation of *Finland*. The Finnish Act, which covers "industrial and commercial undertakings in general, building and construction . . . road transport", etc., specially indicates that carting and haulage are included.

In another group of regulations, reference is made to (motor) vehicles in general engaged in road traffic and to their drivers. Such very general provisions, which are to be met with most frequently in the English-speaking countries, exist, for instance, in *Australia* (various States), *Canada* (various Provinces), *Czechoslovakia*, *Great Britain*, *Ireland*, *New Zealand*, *Switzerland*, and the *United States* (Federal Motor Carrier Act and the legislation of various States). By way of example, the definition of the scope of the Nova Scotia Motor Vehicle Act may be quoted: the Act permits the Minister to regulate the hours of work of drivers of motor vehicles operated upon provincial highways, it also gives a supplementary definition of "a commercial vehicle" as being

“ a motor vehicle having attached thereto a truck or delivery body, and includes an ambulance, hearse, casket wagon, fire apparatus, police patrol, motor bus and other motor vehicles used for the transport of goods ”

These regulations on road traffic sometimes contain additional details concerning certain branches of road transport. In *Great Britain* and in *Ireland* nearly all commercial motor vehicles are required to have licences, which vary according to the type of vehicle or the nature of the transport work (goods or passenger transport), as will be seen later. In the *Netherlands*, the Royal Order giving effect to the legislation concerning driving time refers separately to bus drivers, the drivers of taxis or hackney carriages, lorry drivers, and the drivers of private cars.

Regulations covering all drivers engaged in road transport also exist in *Greece* and in *Poland*. In scope these regulations are very close to the title selected by the Governing Body for the item now on the Agenda of the Conference. In *Greece* a Decree of 1936 applies to the drivers of lorries in general, motor coaches and motor buses, thus including all drivers engaged in road transport whether employed by a private or a public undertaking. In *Poland* the hours of work legislation provides that in the case of persons employed in the transport industry the competent authorities may issue special orders regulating their hours of work and may substitute equivalent limits for those laid down in the legislation. An Order of this kind was issued in 1933 with regard to the drivers of horse-drawn lorries, their assistants and stable boys, the drivers of motor lorries, and the drivers of motor buses or any other vehicles intended for use in connection with the transport, loading or handling of goods, luggage or passengers.

## II DEFINITION OF THE OBJECT TRANSPORTED

The various formulæ for the scope of the legislation so far examined do not define, unless in very general terms, what is meant by road transport or road traffic. A first element in obtaining such definition is the object transported. The two main categories of transport are the transport of material goods and the transport of human beings. In the second place road transport may be carried out either by transport undertakings in the strict sense or by undertakings, bodies, or individuals whose main activity is not such transport but which engage therein to meet their economic,



social or private requirements. It will therefore be necessary to consider separately

- A Road transport by goods transport undertakings
- B Road transport by passenger transport undertakings
- C Road transport by undertakings that are not strictly transport undertakings
- D Road transport by drivers of private vehicles

### A *Road Transport by Goods Transport Undertakings*

#### (a) *General Definitions*

In this case also there are certain definitions which merely refer to the transport of goods by road in general without specifying the nature of the goods transported. The standard formula is that used in Convention No. 1, adopted at Washington in 1919, which deals with the transport industry in Article 1 (d)

For the purpose of this Convention the term " industrial undertaking " includes particularly

- (d) *Transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand*

At the present time this Convention has been ratified by eighteen States<sup>1</sup> and their national legislation must therefore have the same scope and cover goods transport by road. In some of these countries the legislation reproduces exactly or approximately the formula used in the Washington Convention for defining its scope. This is the case in *Greece, Luxemburg and Portugal*, and also in some countries which have not yet ratified the Convention, as, for example, *Estonia*, where the Hours of Work Act of 1931 covers " the transport of persons or goods in the streets of towns and the handling of goods at docks, quays and warehouses "

There are various regulations in different countries governing goods transport undertakings. These include various Royal Orders issued in *Belgium* under the Eight-Hour Day Act and applying to cartage and haulage undertakings and the carting staff of the Belgian National Railways. In *Canada* (Quebec) a collective agreement covers the taxi and truck industry of the city of Quebec. Various collective rules in *Germany* apply to the long-distance

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<sup>1</sup> These are Argentina, Belgium, Bulgaria, Canada, Chile, Colombia, Cuba, Czechoslovakia, the Dominican Republic, Greece, India, Lithuania, Luxemburg, Nicaragua, Portugal, Rumania, Spain and Uruguay

transport of goods, carting undertakings, the motor carrying industry, the light transport industry, delivery services, and removal undertakings. In *Italy* different collective agreements apply to the following types of undertakings: undertakings for transport by lorry, goods and parcel delivery services, and various horse-drawn transport undertakings. One of the agreements concerning the reduction of hours of work concluded in November and December 1934 covers undertakings for transport by lorry. The most complete formula is presumably that used in *France* in the Decree concerning land transport undertakings, which applies *inter alia* to the following categories of undertakings and persons: "undertakings for the transport of goods by land, transport contractors, forwarding and delivery agents, haulage and carting contractors, parcel delivery undertakings."

The enumeration given in the *French* regulations is much lengthier and includes a list of occupations, vehicles, and goods transported, these will be dealt with later in the relevant paragraphs.

In the *Netherlands* one part of the Royal Order giving effect to the legislation concerning driving time deals with "lorry drivers", by which is meant the drivers of lorries engaged in goods transport, passenger transport is dealt with separately.

A certain number of regulations dealing specially with goods transport define their scope with reference to the drivers engaged in such work and not with reference to the undertakings. In *Australia*, for example, the Factories and Shops Act of the State of Victoria applies, subject to certain exceptions mentioned later, to persons engaged in the transport of "any goods, wares, merchandise or materials whatsoever" (special provisions concerning carting and delivery). In Western Australia the Transport Co-ordination Act applies to the drivers of commercial vehicles carrying goods. Similar formulæ are used in arbitration awards in Queensland, in the Highway Traffic Acts of certain Provinces in *Canada* (Manitoba and Ontario) and in certain standards of employment in *Spain*. Reference was already made to the terms used in the legislation of *Greece* and *Poland* with regard to lorry drivers.

Other regulations, collective agreements or awards also apply to the drivers of vehicles engaged in the transport or carrying of goods but are restricted to the members of certain trade unions or other workers' organisations. Examples of these may be found in various arbitration awards in *Australia* (Victoria and Western Australia) and in certain collective agreements in *Great Britain*.

In this latter country the collective agreements signed by the National Union of Railwaymen cover the employees of railway companies operating road vehicles, whereas road transport carried out by subsidiary undertakings controlled by railway companies are covered by the decisions of a Joint Board on which the Transport and General Workers' Union is represented. A collective agreement concluded under the auspices of a Joint Industrial Council covers the retail distribution section of the road transport industry. Many similar examples might be given.

One special method of defining the scope of the regulations is the use of a system of licences such as exists more particularly in *Great Britain, Ireland, New Zealand*, and the *United States*. The nature of the transport to which various licences apply is then defined. In Great Britain the Road Traffic Act of 1933 applies to the holders of three different types of licences, two of which are of interest in the present connection. The provisions of the legislation on this point may be quoted by way of example.

" *A* " licence a public carrier's licence (in this part of this Act referred to as an " *A* " licence) shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for hire or reward, or for the carriage of goods for or in connection with the business as carrier of goods, whether by road transport or any other kind of transport, but it shall be a condition of the licence that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for or in connection with any other trade or business carried on by him except such storage or warehousing of goods as may be incidental to his business as a carrier.

In relation to a licence held by a person carrying on a canal, dock or harbour undertaking, the reference in this subsection to the use of vehicles for the carriage of goods for or in connection with the business of the holder of the licence as a carrier of goods shall include a reference to the use of vehicles for the carriage of goods for, or in connection with, that undertaking.

" *B* " licence a limited carrier's licence (in this part of this Act referred to as a " *B* " licence) shall entitle the holder thereof to use the authorised vehicles as he thinks fit from time to time, either for the carriage of goods for or in connection with any trade or business carried on by him; or, subject to any conditions which the licensing authority, in the exercise of his discretion to attach conditions to a " *B* " licence, may attach to the licence, for the carriage of goods for hire or reward.

Similar definitions are given in Ireland and New Zealand. In the United States the persons covered by the provisions of the Motor Carrier Act are the drivers of motor vehicles engaged in interstate or foreign commerce. The legislation of the various States normally refers to given categories of drivers engaged in the transport of goods of all kinds (or of certain kinds only) by motor vehicle for the general public.

(b) *Restriction to Certain Types of Goods*

Many regulations concerning the transport of goods by road specify more definitely the nature of the transport or of the objects transported. Various examples of this are given below.

In *Germany* certain collective rules refer specially to *forwarding agencies* and others to *removal undertakings*. The latter are also expressly mentioned in the *French* Decree concerning land transport undertakings, which applies to "removal undertakings and undertakings for the transport of furniture and pianos."

The *carting of travellers' personal luggage* from boats or trains arriving at their destination on Sunday is excluded from the scope of the Factories and Shops Act in the *Australian* State of Victoria.

*The towing of broken-down vehicles and the transport of materials for the repair of tramways or for repair purposes in case of a break-down of public utility plant* are excluded from the scope of various regulations, as, for example, in *Australia* (Victoria Factories and Shops Act), *Canada* (Manitoba Order of the Municipal and Public Utility Board of 1933 under the Highway Traffic Act), *New Zealand* (Transport Licensing Act of 1931), and the *United States* (e.g., in the State of Washington). By way of example the text of the Manitoba Order may be quoted: "trucks transporting tools or equipment owned and used by repair men or companies in connection with the repairing of tramways, electric or telephone lines, water pipe lines, boilers, boring machinery, farm implements, threshing machinery and manufacturing plants."

*Foodstuffs* in general are excluded from the scope of the regulations in the *Australian* State of Victoria (Factories and Shops Act), and certain special commodities are excluded by other regulations, as, for example, the transport of *milk, eggs and similar products* in *Canada* (British Columbia and Manitoba), the transport of *meat* in Manitoba and the transport of aerated waters in Victoria (*Australia*). On the other hand, arbitration awards in the *Australian* State of New South Wales refer particularly to the transport of *bread, ice, ice-cream and milk*. In *France* the Decree concerning land transport undertakings makes express mention of the transport of *meat* as falling within its scope. Certain collective rules in *Germany* apply specially to undertakings for the transport of *meat* to and from wholesale markets.

The *transport of dead animals* is excluded from the scope of the Factories and Shops Act of the *Australian* State of Victoria and the Highway Traffic Act of the *Canadian* Province of Manitoba. The latter Act, in accordance with an Order issued by the Municipal

and Public Utility Board in 1933, also excludes from its scope the carting of fish by fishermen

The *transport of living animals* is included in the scope of the Public Service Vehicles Acts of the *Canadian* Provinces of Alberta and Saskatchewan, and the Land Transport Decree in *France*. The legislation of Manitoba (*Canada*), on the other hand, excludes from its scope the transport of livestock to exhibitions and fairs

The *transport of wood* is dealt with in a special award in the *Australian* State of New South Wales and is explicitly included in the scope of the *French* Decree. In *Finland* Orders promulgated annually by the Ministerial Council enumerating the undertakings to which the eight-hour day legislation should not apply mention the transport of wood amongst the exclusions

The *transport of flowers to market* is excluded from the scope of the Factories and Shops Act in *Australia* (Victoria)

The same Act also excludes the carting of *parcels of laundry work*

The *carrying of newspapers and periodicals* is excluded from the scope of many regulations, such as the Factories and Shops Act of Victoria (*Australia*), the Transport Licensing Act of *New Zealand*, and the legislation of the State of New York in the *United States*

The *transport of building materials*—gravel, sand, stone, cement, etc —is expressly included in the scope of the *French* Decree concerning land transport undertakings and the Public Service Vehicles Acts of the *Canadian* Provinces of Alberta and Saskatchewan. In these two Provinces the transport of such materials is excluded in so far as the materials are required for the making or repair of public highways

One quite exceptional item is excluded from the legislation of the *Canadian* Province of Manitoba the carting of grain, bait, machinery or other articles to be used in grasshopper poisoning

Provision is also frequently made in the regulations for excluding the transport of agricultural produce, military transport, the transport of letters and postal packages, etc, these exceptions are dealt with later under C (p 40)

## B *Road Transport by Passenger Transport Undertakings*

### (a) *General Definitions*

What was said with regard to goods transport applies equally to passenger transport the scope is quite frequently defined by

general formulæ of the type used in the Washington Convention of 1919.

For the purpose of this Convention the term " industrial undertaking " includes particularly

- (d) *Transport of passengers or goods by road*, rail, sea or inland waterway including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand

As was mentioned, this Convention has been ratified by eighteen States <sup>1</sup>, several of which have reproduced the text of the Convention in their legislation. Some States, such as *Estonia*, which have not ratified the Convention use a similar formula for defining the scope of their regulations.

More definite texts, however, are used in many regulations. In *Austria*, for example, the Industrial Code enumerates among the undertakings covered

- (a) undertakings for the hire of motor vehicles, transport undertakings not holding a concession,
- (b) transport undertakings holding a concession, undertakings for the occasional transport of persons, persons who are professionally engaged in the driving of transport vehicles in public places for the personal service of any one who may hire them

The Hours of Work Act of 1919 has the same scope.

In *Czechoslovakia* the Eight-Hour Day Act of 1918 applies *inter alia* to undertakings engaging in the regular transport of persons and undertakings providing the public in general with means of transport on public highways, such as cabs, motor cars, taxis, etc. In *France* the Decree concerning land transport undertakings applies to a variety of undertakings enumerated in detail, these are dealt with in connection with the various branches of passenger transport mentioned below. In *Latvia* the general legislation on hours of work applies to transport services, but by a decision of the Civil Senate in 1929 this term was defined as meaning public transport, that is to say, transport by vehicles intended for general traffic on given routes at fixed charges. In *Switzerland* the transport legislation includes within its scope undertakings holding a concession from the Confederation.

In a great many cases the regulations refer to the drivers engaged in passenger transport, and define their scope along those lines. In *Australia* (Queensland) the arbitration awards for the drivers of motor vehicles apply to " all persons engaged in or in connection

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<sup>1</sup> Cf. p. 28

with the calling of drivers of motor vehicles, yard men, cleaners, greasers and supervisors engaged in the transport of passengers and/or persons by road " Similar expressions are used in the awards in force in New South Wales and Western Australia, whereas in Victoria the Transport Regulation Act applies to the drivers of motor vehicles for the carriage of passengers in general In *Canada* the legislation of the Provinces of Manitoba, Ontario, Prince Edward Island and Quebec uses similar formulæ for defining its scope The Public Vehicles Act of Ontario, for example, applies to the driver of any public vehicle, and this term is defined as meaning " any motor vehicle operated on a highway by, for or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight, which might be carried in a passenger vehicle " In *Czechoslovakia* the Act of 1935 concerning motor vehicles applies to the drivers of motor vehicles operated on land, and enumeration is given which includes the following " vehicles with auxiliary engines, motor cycles with or without sidecars, motor tricycles, passenger motor cars with or without trailers, motor buses with or without trailers, small motor vehicles for disabled persons, etc "

The Motor Carrier Act of the *United States* defines its scope as follows " The provisions of this part (concerning hours of work) apply to the transportation of passengers or property by motor carriers engaged in interstate or foreign commerce "

In many cases the regulations concerning traffic safety make provision for special licences for the transport of passengers In addition to the regulations in the *United States* already mentioned, reference may be made to those in *Great Britain*, *Ireland* and *New Zealand* In *Great Britain* the regulations concerning road safety apply in particular to large vehicles for the transport of passengers, a definition of such vehicles is given in the legislation, and will be reproduced in the section dealing with the nature of the vehicles covered The position is similar in *Ireland* In *New Zealand* the road safety regulations apply, *inter alia*, to " any passenger vehicle used under the authority of a licence " (Transport Licensing (Passenger) Regulations) Every vehicle used for passenger transport must possess such a licence, and these vehicles are defined in the Transport Licensing Act as follows " A motor vehicle used for hire or reward for the carriage of passengers with or without goods "

Some of these regulations contain exclusions of a general nature, e g for vehicles conveying children to and from school or workmen

to and from work The Highway Traffic Act of the *Canadian* Province of Manitoba excludes from its scope school vans, as does also the Motor Carrier Act of the *United States* In *New Zealand* the Transport Licensing Act of 1931, as amended in 1936, defines very fully the exceptions to its scope, which are as follows

- (a) the carriage to and from school of schoolchildren and their teachers in passenger service vehicles, unless other persons are at the same time carried for hire or reward in such vehicles
- (d) the carriage to and from work of workmen engaged on work being carried out by the Government or a public body in an approved trade motor or motor coach while it is being used for the purposes of the work

The regulations just studied deal with the transport of persons in general Certain other regulations apply more particularly to specified types of passenger transport, and this may also be done in certain parts of the general regulations just mentioned In this latter case the general scope is restricted by supplementary provisions The main branches of passenger transport are transport on regular routes, transport over no fixed route, that is to say the hiring of vehicles, transport by taxi

#### (b) *Transport on Regular Routes*

The transport of passengers on regular routes covers motor-bus and motor-coach services The meanings attached to these two terms are often so similar that it is difficult to distinguish one from the other, but motor-bus services are generally confined to urban areas, and motor-coach services to inter-urban traffic The characteristics of these types of transport are as follows

- (i) They must follow regular routes, by which is meant that the journey is not arbitrary, and does not vary from one trip to the next, irrespective of whether a fixed periodical time-table is adhered to or not,
- (ii) Remuneration is paid for the journey at a special rate proportionate to the distance travelled

These two concepts of the regularity of the route and the charging of a fare at a specified rate are both contained in most of the regulations under consideration

The legislation of the *Australian* State of Victoria, for example, applies to the drivers of motor vehicles used for "the carriage of passengers for hire or reward at separate and distinct fares" In *Czechoslovakia* the Eight-Hour Day Act mentions "regular



passenger transport services " In *Great Britain* the Road Traffic Act of 1934 gives the following very detailed definitions of the vehicles here referred to as motor buses and coaches

*Stage carriages* motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages as hereinafter defined

*Express carriages* motor vehicles carrying passengers for hire or reward at separate fares none of which is less than one shilling for a single journey or such greater sum as may be prescribed for the purposes of this paragraph

- (i) a composite fare for not more than one journey shall not be regarded as representing the aggregate of fares for any less amount, and
- (ii) no account shall be taken of any fare which is charged in the case of children or of workmen or of students, if a fare of one shilling, or of such greater sum as may be prescribed, or more, is charged for the like service in the case of all passengers not falling within any of those descriptions

The most complete definition is perhaps that given in the *Irish* road traffic legislation in connection with licences for the transport of passengers

Mechanically propelled vehicles engaging in passenger road service—i.e. which are travelling wholly or mainly on public roads and carrying passengers (whether passengers luggage, merchandise and mails, or any of them are or are not also carried) between specified terminal points or along a specified route or otherwise for separate charges in respect of each passenger

In *Italy*, collective agreements and the agreements concerning the reduction of hours of work concluded in November and December 1934 refer more particularly to undertakings engaging in the transport of persons on regular routes In the *Netherlands*, the Royal Order giving effect to the legislation concerning driving time refers specially to the drivers of motor buses engaged in "a regular service of buses for the transport of persons against remuneration"

Many of the regulations simply refer to motor buses or motor coaches, without going into further details This is the case in *Argentina*, where a Decree of 1930 deals specially with tramway and bus services, including motor buses In *Australia* (New South Wales) certain awards refer to motor-bus drivers, and apply to public motor-bus services The same is true of Western Australia and of the safety regulations in public services in *Belgium* In *Brazil* the Act of 1936 applying to all public services directly operated by the central Government, the States or the municipal-

ities, or by private companies or undertakings holding a concession, contains a similar definition. In *Canada* (Manitoba, Ontario, and Quebec) several collective agreements refer either to motor-bus drivers in general or to the staffs of certain urban transport companies. In *Germany* certain collective rules apply to motor-bus undertakings, and in *Greece* a Decree of 1932 governs the hours of work of the drivers, conductors, and inspectors on motor buses. In the *Netherlands* the Public Transport Act of 1932 applies to the drivers of motor buses, and the same is true of the *Spanish* standard rules of employment.

In *France* the Decree concerning land transport undertakings contains a very detailed enumeration, including the following undertakings for the transport of persons on regular routes; undertakings for the operation of public vehicles, motor-omnibus and horse-omnibus undertakings, motor coaches, motor bus or coach services attached to railway companies, undertakings operating stage coaches. This Decree does not apply to motor transport undertakings run in connection with a secondary railway system or to the passenger transport undertakings of the Department of the Seine. The latter are governed by a special Decree applying to the employees of the passenger transport services of the Paris area, and another special Decree covers urban and suburban tramway and bus companies and motor or trolley bus services operated in connection with such railways.

#### (c) *Transport over No Fixed Route Hire of Vehicles*

This type of transport is distinguished from the preceding one by the fact that it is in no way regular, and that the route to be followed is fixed by the persons who hire the vehicle at their discretion. The fact that the vehicle is not constantly at the disposal of the public and is not operated under a system of fares fixed by a mechanical meter distinguishes it from transport by taxi.

The term "the hiring of motor vehicles" is quite frequently used in regulations of different kinds, whether they take the form of legislation or agreements. In *Australia* (New South Wales) several awards apply to private motor vehicles plying for hire. In *Austria* the Industrial Code mentions in particular undertakings for the hire of motor vehicles, and in *Belgium* the Royal Orders issued under the hours of work legislation deal with undertakings for the hire of vehicles and motor cars. The *French* Decree governing land transport applies expressly to "undertakings for the hire of cycles and motor cycles", the general enumeration

by which the Decree defines its scope includes the following categories of undertakings and occupations "the hire of vehicles, jobmasters, carriage hiring, the managers of livery stables, the hire of motor cars and motor cycles, the hire of carts, barrows or hand carts, the hire of sedan chairs and bath chairs" A certain number of collective rules in *Germany* apply to undertakings for the hire of motor vehicles In *Great Britain* one of the categories of vehicles particularly mentioned in the legislation concerning traffic safety is that of contract carriages, by which is meant "motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum"

In *Italy* certain collective agreements and certain agreements for the reduction of hours of work concluded in November and December 1934 cover undertakings for the hire of vehicles In the *Netherlands* a clause of the Royal Order giving effect to the legislation concerning driving time applies specially to "the drivers of motor vehicles plying for hire" (along with taxi drivers) In *New Zealand* the Transport Licensing Act of 1931, as amended in 1936, makes provision for various exceptions which do not apply in any case "where the owner of the contract vehicle, or any other person in charge thereof for the time being, holds himself out as willing to contract for the hiring-out of such vehicle" The idea of contract referred to in New Zealand, and also in Great Britain, corresponds more or less closely to the idea of hiring out vehicles which is referred to in various regulations in Continental Europe Certain provisions of the *Spanish* legislation on hours of work apply in particular to the drivers of "hackney carriages in general", and this expression is repeated in certain standard rules of employment

#### (d) *Transport by Taxis or Cabs*

A certain number of the regulations refer to undertakings operating taxis or cabs, or to the drivers of such vehicles, these regulations may be peculiar to this branch of transport, or may be general regulations including this particular category in their enumeration

The latter is the case in the *Austrian* Industrial Code and in the hours of work legislation of that country, in which the list of undertakings and occupations covered includes those engaged in providing transport in public places for the personal service of anyone who wishes to engage such transport In *Czechoslovakia*

the Eight-Hour Day Act of 1918 applies to undertakings providing means of transport on the public highway for the use of the public in general, such as cabs, motor cars, taxis, etc. In *France* the Decree concerning land transport includes in this general enumeration undertakings operating horse cabs or motor cabs and the drivers of motor cabs or taxis, it also provides for a permanent exception in the case of the drivers of hackney carriages. Reference is made below to special regulations for the taxi industry

Among the special regulations applying to taxis, reference may be made to certain arbitration awards in *Australia* (New South Wales) and to certain provisions in force in *Canada* (an Order promulgated under the Public Vehicles Act in Alberta and collective agreements in the Province of Quebec). Among the most typical regulations is the Act of 1937 in *France* which deals with the taxi industry. It stipulates that "the regulations drawn up by agreement between the associations of hirers of public vehicles, the operation of which is subject to fares fixed by the public authority, and associations of the drivers of such vehicles, whether they are the owners of the vehicles or not, may be made binding on the whole of the occupation" (in the municipality or area concerned). This has been done by an Order of the Prefect in the Paris area. Certain of the collective agreements and agreements for the reduction of hours of work in *Italy* also refer specially to taxis. In the *Netherlands*, one part of the Royal Order giving effect to the legislation concerning driving time deals specially with "taxi drivers" (and drivers of vehicles plying for hire), for whom special conditions of work are laid down. In *New Zealand* an Order in Council deals particularly with "any service for the carriage for hire or reward, by means of a motor vehicle or motor vehicles, of a passenger or passengers whose journey both begins and ends within the Christchurch transport district", this Order brought the service in question within the scope of the Transport Licensing (Amendment) Act of 1936.

On the other hand, certain regulations exclude taxi undertakings from their scope. In *Spain*, for example, the Supreme Court has given various decisions excluding taxi chauffeurs from the general scope of labour legislation. In the *United States* taxis are exempt from the scope of the Motor Carrier Act, and the same is true of the legislation of certain States, such as Nebraska. In *Uruguay* the Eight-Hour Day Act of 1935 and the Administrative Regulations under the Act exclude from their scope the drivers of hackney carriages.

### C *Transport by Undertakings Other than Transport Undertakings*

This refers to transport carried out by mining, industrial or commercial undertakings for their own requirements, that is, for the transport of raw materials, semi-finished or finished products arriving at or leaving the undertaking, and for carriage and delivery to customers. The heading would also include transport for agriculture, for hospitals, for funerals, and by or for the postal service or other public services, such as municipal road services, fire brigades, the army, etc.

To a very large extent such transport is covered by the general regulations mentioned at the beginning of § 2 (General Definitions), at least in so far as industrial, commercial and mining undertakings are concerned. There is no need to refer again to these general regulations for the different branches of activity in question.

#### (a) *Transport for Industrial and Mining Undertakings*

A first group of regulations consists in collective agreements, collective rules, rules of employment, arbitration awards and other similar agreements or decisions restricted to a given industry. These agreements or decisions usually apply to the whole staff of the industry in question, including chauffeurs and drivers, who may sometimes be specially mentioned. Such regulations exist in most countries and there is no need to discuss them in detail. It may, however, be mentioned that in *Great Britain*, for example, drivers of this category are covered by collective agreements in a limited number of industries only. The general secretary of the Transport and General Workers' Union, giving evidence before the Committee on the Regulation of Wages and Conditions of Service in the Road and Motor Transport Industries (Goods), stated that the fair conditions of employment represented by the Joint Board had until quite recently applied only in the Imperial Chemical industries, the iron and steel industries, the Portland cement industry, breweries and flour milling.

In the *Netherlands* the Royal Order already mentioned devotes one of its parts to "lorry drivers" but does not indicate the nature of the undertakings employing them, it may be presumed that drivers employed by industrial undertakings are covered.

In *New Zealand* a certain number of awards refer specially to drivers of the category under consideration. The first part of the Drivers' Award, for example, applies to common carriers and

business firms employing their own drivers in connection with their businesses

Very similar to regulations of this type are those laid down in *France* by the Decrees concerning various manufacturing and mining industries, which provide for a permanent exception for the following categories of staff drivers of motor and horse-drawn vehicles, deliverymen, and storemen. In *Belgium* a Royal Order under the Eight-Hour Day Act applies in general to transport work, the loading and unloading of goods, the handling of trucks and the weighing of trucks and other vehicles, in so far as such work is subsidiary to an industrial undertaking

There are also formulæ of a general nature, such as those used in *Brazil* in the Decree concerning hours of work in transport, which applies to "all establishments, undertakings, companies, firms, branches or dependencies of any kind engaged in transport even if the transport is not their main activity or is merely for their own use" In *Greece* the Decree of 1936 concerning the drivers of lorries, motor buses, and motor coaches applies to all professional drivers even if they are wage earners in the employment of industrial or commercial undertakings. It was already pointed out that the *Polish* Order of 1933 concerning lorry drivers was similar in scope. In the *United States* the legislation of the various States usually applies *inter alia* to "private carriers of property" by which is meant "persons, natural or otherwise, who transport by motor vehicle property of which such persons are the owners, lessees or bailees, when such transportation is for the purpose of sale, lease, rent or bailment or in furtherance of any commercial enterprise"

On the other hand, a certain number of regulations expressly exclude from their scope carting work carried out by industrial undertakings for their own account. In *Great Britain*, for example, the provisions of the Road and Rail Traffic Act 1933 concerning fair wages and fair conditions of employment which are imposed on the possessors of certain vehicles operating under a licence do not apply to vehicles engaged in transport of the kind under consideration in this section. These provisions of the Act do not apply to the following vehicles

(1) Vehicles authorised under a C licence, that is to say

a private carrier's licence, which entitles the holder thereof to use the authorised vehicles for the carriage of goods for or in connection with any trade or business carried on by him, subject to the condition that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for hire or reward

(ii) Vehicles engaged in the following activities, which are not deemed to constitute a carrying of goods for hire or reward

- (a) the delivery or collection by a person of goods sold, used or let on hire or hire purchase in the course of a trade or business carried on by him,
- (b) the delivery or collection by a person of goods which have been or are to be subjected to a process or treatment in the course of a trade or business carried on by him

In certain cases, it is not necessary to have a licence, as, for instance, when a vehicle is used for the rescue of miners under the Coal Mines Act of 1911. In *Ireland* the permissive legislation concerning road traffic applies to vehicles operating under a licence, but excludes from its scope the following vehicles

Vehicles used for carrying their owners' merchandise where

- (a) a mechanically propelled vehicle owned by a person or a vehicle drawn by a mechanically propelled vehicle owned by a person is used for the carriage of merchandise the property of such person, or
- (b) a mechanically propelled vehicle owned by a company or vehicle drawn by a mechanically propelled vehicle owned by a company is used for the carriage of merchandise the property of any company which is in the same ownership or under the same management as such first-mentioned company

In *Italy* the drivers of industrial vehicles are completely exempt from the provisions of the hours of work legislation.

The *Swiss Factories Act* stipulates that persons engaged in subsidiary occupations are not covered by the restriction of hours of work, and the *Factories Order* contains the following clause:

The following operations shall be considered as subsidiary and no permit shall be required for particular instances:

I In all factories

- (b) On working days only, including night time

- 1 The transport of goods arriving or leaving and the carriage or delivery of goods to customers

Nevertheless, the drivers of motor vehicles are subject to the provisions of the *Order* concerning professional drivers, even when they are employed by an industrial undertaking, the drivers of horse-drawn vehicles are the only ones who are exempt from all Federal regulations

#### (b) *Transport for Commercial Undertakings and Offices*

The same general remarks as were made concerning transport for industrial undertakings apply equally to transport for com-

mercial undertakings and offices. In particular, the references to regulations or decisions such as collective agreements, rules, awards, etc., apply, *mutatis mutandis*, to commerce and offices. In *Great Britain*, the general secretary of the General and Transport Workers' Union, in the evidence referred to above, mentioned that the fair conditions of employment recommended by the Joint Board had been applied to the transport staff employed in the retail distributive trades and by co-operative societies, and to those employed in the delivery of coal in London. In *New Zealand*, the first part of the Drivers' Award applies to the drivers employed by individual commercial as well as industrial firms in connection with their own business.

In *Belgium* a Royal Order under the Eight-Hour Day Act refers particularly to the sale and distribution of petroleum and its derivatives. All the *French* Decrees concerning different branches of trade (wholesale, semi-wholesale and retail, in foodstuffs or other products) make a permanent exception for the following categories of staff: the drivers of motor and horse-drawn vehicles, deliverymen and storemen.

What was said under (a) above concerning the regulations in *Brazil* applies equally to commercial undertakings and offices. The same is true of the general exceptions under the road traffic legislation of *Great Britain* and *Ireland*, the provisions of the Royal Order in the *Netherlands* concerning "lorry drivers", and the Motor Carrier Act in the *United States* and the legislation of the various States, more especially as regards private carriers of property.

It was already mentioned under A (transport by goods transport undertakings), section (b) (restriction to certain types of goods), that certain commodities were included or excluded, and some of those commodities naturally fall within the scope of commercial delivery work. This is the case, for example, for the transport of various foodstuffs in *Australia* (Victoria) and *Canada* (British Columbia and Manitoba), of flowers in *Australia* (Victoria), of newspapers in *Australia* (Victoria), *New Zealand*, and the *United States*, and of dead animals or livestock in *Australia* (Victoria) and *Canada* (Manitoba).

#### (c) *Transport in connection with Agriculture*

Unless there is any stipulation to the contrary, it may be assumed that regulations of a general scope include agriculture and consequently also transport in connection with agriculture, this latter



term being taken in the widest sense as including the tilling or developing of the soil in general, including agriculture proper, horticulture, market gardening, forestry, etc (*Brazil, Mexico, and U S S R*)

Quite a number of general regulations expressly exclude agriculture from their scope and thus naturally exclude transport in connection with that activity. The regulations on hours of work in *Argentina, Belgium, Estonia, Finland, Germany, Luxemburg, the Netherlands, Portugal, Sweden*, etc., do not apply to agriculture, which is either expressly excluded or is not enumerated in the list of activities covered. Various regulations covering transport expressly exclude transport in connection with agriculture. The exclusion may refer to the transport of agricultural produce or to the possession or utilisation of vehicles for agricultural operations in general, or only in so far as these vehicles are not used on public highways.

For example, in *Canada* (Manitoba) an Order of the Municipal and Public Utility Board of 1933 provides for various exemptions from the scope of the Highway Traffic Act, including the following

Trucks which carry eggs from farmers' premises, trucks which transport farmers' grain to market, trucks transporting farm implements, threshing machinery, etc

In *Great Britain* the provisions of the Road and Rail Traffic Act 1933 concerning conditions of wages and employment have to be observed by the owners of certain types of vehicles, but they do not apply to those used for

the carriage by a person engaged in agriculture in any locality of goods for or in connection with the business of agriculture carried on by another person in that locality so long as the goods are carried in a vehicle which the person carrying them is authorised by a licence to use for the carriage of goods for or in connection with his agricultural business

In the *United States* the Motor Carrier Act excludes from its scope various vehicles, including those used for the transport of agricultural produce. The legislation of the State of New York excludes motor trucks owned by a farmer and used in the hauling of farm, dairy or horticultural products or farm supplies for himself or his farm neighbours to market, creamery or place of storage. The Washington Act of 1935 exempts trucks owned on farms or engaged in the transportation of farm products.

In other cases the regulations refer not to the transport of agricultural produce but to the ownership or use of vehicles for

agricultural operations In *Canada*, for example, in the Provinces of Alberta and Saskatchewan, the Public Service Vehicles Acts exclude "trucks or trailers owned by a farmer and used solely in connection with his farming operations"

In *Great Britain*, apart from the exclusion of the transport of agricultural produce mentioned above, the Road and Rail Traffic Act 1933 stipulates that a licence for the transport of goods is not required in any circumstances for certain vehicles used exclusively for agricultural purposes The Road Traffic Act of 1930 excludes completely from its scope vehicles used for agricultural work under the following conditions

In the case of a vehicle which is being used in the course of operations of agriculture or forestry, the person shall not be deemed to be driving the vehicle or to be spending time on work in connection with the vehicle or the load carried thereby so long as the vehicle is elsewhere than on the road

The same idea of excluding vehicles when not used on a road is to be found in the Road Traffic Act of 1933 in *Ireland*, which exempts "a vehicle which is being used for and in the course of any operation of agriculture or forestry while it is not on a road"

(d) *Transport in connection with the Care of the Sick*

The transport in question refers to ambulances, whether used directly by hospitals, nursing homes or similar establishments, or operated by independent undertakings for the supply of ambulances

In a certain number of cases transport by ambulances is covered either by general regulations or by special regulations In *Australia* (New South Wales) certain arbitration awards apply to ambulance drivers In *France*, the drivers of ambulances attached to hospital establishments fall under the provisions of the Decree concerning hospital staff, the same is true of the hours of work legislation in the *Netherlands*

On the other hand, in *Canada* (Manitoba) the Highway Traffic Act expressly excludes ambulances from its scope In *Finland* the Orders promulgated annually by the Government and enumerating the undertakings and establishments to which the hours of work legislation does not apply, mention *inter alia* hospitals, so that it may be presumed that transport organised by hospitals is not governed by the legislation In *Great Britain* motor vehicles used as ambulances are entirely exempt from the scope of the Road Traffic Act of 1930 In *Sweden* work in connection with the care of the sick is excluded from the scope of the Hours of Work Act

In other cases, the regulations are not sufficiently definite to indicate clearly whether ambulances are or are not included in their scope

(e) *Funeral Transport*

As in the preceding case, there are only a few regulations which expressly include or exclude funeral transport

In *France* a special Decree under the Forty-Hour Week Act applies to funeral undertakings and provides for permanent exemption for the drivers of motor or horse-drawn vehicles in such undertakings. In *Italy* special collective agreements apply to funeral undertakings. In *Spain*, under a Royal Order of 1927, grooms, chauffeurs and coachmen employed by funeral undertakings are covered by the special provisions of the hours of work legislation concerning land transport other than railway transport.

On the other hand, in *Canada* (Manitoba) the Highway Traffic Act does not apply to hearses. In *Great Britain* it is provided that a licence for the carriage of goods is not required for vehicles used for funerals. In *New Zealand* the provisions concerning road safety do not apply to such vehicles.

(f) *Transport for or by Postal Services*

There would seem to be very few regulations applying specially to this branch of transport or expressly excluding it from their scope.

In *Italy* certain collective agreements apply to undertakings holding a concession for transport for the postal service. In *Spain* some of the standards of employment apply to the drivers of vehicles employed by the postal service. *Switzerland* would seem to be the country, so far as the Office is aware, which possesses the most complete regulations on this subject. The Transport Act refers specially to postal services and to "all services engaging in the transport of persons and in the collection, despatch and delivery of letters or postal packages of any kind and all subsidiary work in connection with these services."

In *Finland* the Orders promulgated annually and specifying the undertakings to which the hours of work legislation does not apply covered until 1937 "postal and telegraph services, except as regards workers attached to the reserve section and workers employed in the motor workshops of the postal service," but postal motor-bus drivers on rural and inter-urban routes and conductors in charge of mail on such buses were brought under the operation of the 8-Hour Day Act on 6 December 1937.

The road traffic legislation of *Ireland* clearly excludes from its scope

(i) the carriage of mails by or under contract with the Minister for Posts and Telegraphs,

(ii) the carriage of merchandise by means of any vehicle primarily provided for the carriage of mails where and to the extent to which the carriage of merchandise by means of such vehicle is permitted under the contract made with the Minister for Posts and Telegraphs

(iii) a service of one or more mechanically propelled vehicles which would, but for this subsection, be a passenger road service within the meaning of the Act of 1932 shall not be a passenger road service for the purposes of that Act where both the following conditions are complied with, that is to say

(a) each of such vehicles is engaged in carrying mails, within the meaning of the Act of 1932, under contract with the Minister for Posts and Telegraphs, and

(b) each of such vehicles has a seating capacity for not more than five persons (excluding the driver)

In *France* the regulations concerning the 40-hour week would appear to cover to some extent the drivers of vehicles employed in the postal service, for the Decree concerning land transport undertakings defines its scope by reference to a list of industries and occupations which includes "undertakings in the postal and telegraph service and contractors for the transport of telegrams and mails"

(g) *Transport for or by Public Services Other than the Postal Service*

This group includes a great variety of forms of transport transport for industrial services, fire brigades, road services, the army, etc. These public services may be administered by the central Government or by provincial or municipal authorities. It will therefore be necessary to consider first of all the general regulations which expressly include or exclude State, provincial or municipal undertakings

The general regulations in the following countries apply to persons employed by the public authorities as well as by private employers *Argentina, Austria, Brazil, Czechoslovakia, Finland, Germany, Greece, Latvia, Mexico, Netherlands, Poland, Spain, and U S S R*

Among the express exclusions mention may be made first of all of those in general terms, such as that laid down in the Industrial Standards Act of Ontario (*Canada*) concerning "persons employed by the Government or by any municipal corporation or by any

Board created by an Act of the legislature” Similarly, the legislation of the State of Washington in the *United States* excludes from its scope vehicles working on behalf of the Government of the State and those employed by the Federal Government In *Sweden* the hours of work legislation excludes work performed on behalf of the State

Partial exclusions are to be met with in certain regulations In *Czechoslovakia*, for example, the Motor Traffic Act of 1935, excludes from its scope the drivers of motor vehicles employed by the military authorities In *Great Britain* the licensing system of the Road and Rail Traffic Act 1933 provides that the need for a licence for the carriage of goods does not apply

To the use by a local authority or a person acting in pursuance of a contract with a local authority of a vehicle for road cleansing road watering, or the collection or disposal of refuse, night-soil or the contents of cesspools or for the purpose of the enactments relating to weights and measures or the sale of food and drugs,

To the use of a vehicle for police, fire or ambulance purposes

The Road Traffic Act of 1930 also excludes from its provisions the following vehicles

Motor vehicles in the public service of the Crown, owned by the Admiralty, the War Department or the Air Ministry and used for naval, military or air-force purposes, or in the case of vehicles so used while being driven by persons for the time being subject to the order of any member of the armed forces of the Crown,

Motor vehicles used for fire brigade purposes

In *Switzerland* the Order concerning the professional drivers of motor vehicles excludes from its scope the drivers of motor vehicles belonging to the military authorities

The exclusion of vehicles used for fire brigade purposes or for work on the roads is by no means universal In *Australia* (Victoria), for example, arbitration awards apply specially to the drivers of fire brigade vehicles In *Canada* (Alberta) a special collective agreement exists for chauffeurs employed in the public industrial services of certain municipalities In *France* the Decree concerning land transport applies to transport for the upkeep and repair of roads, in general, the staffs of municipal services are subject to municipal orders which apply to the drivers of vehicles engaged in various public services Collective agreements exist in *Luxemburg* for the staffs of various municipalities and apply to drivers employed in the road service, industrial services, etc

## D *Road Transport by the Drivers of Private Vehicles*

There are very few regulations concerning private chauffeurs or coachmen, most of the general regulations indeed expressly exclude this occupational group from their scope

In *Austria* an Act of 1928 applies to the drivers of private motor cars and defines its scope as follows

The drivers of private motor cars shall be considered as being wage earners employed in driving such cars when their service in this capacity constitutes the main part of their gainful activity and when their services are not employed mainly by an agricultural or forestry undertaking or by an undertaking governed by the provisions of the Eight-Hour Day Act of 17 December 1919 or of the Mining Act of 28 July 1919

The wage earners mentioned in the preceding paragraph shall not be considered as the drivers of private motor cars if they are employed by the Federal Government or by an undertaking administered by the Federal Government. If the employer is some other territorial authority or a public fund not administered by the Federal Government, the provisions of the present Act shall not apply to these wage earners except in so far as their employment is based on a private contract

In *Czechoslovakia* the Eight-Hour Day Act of 1918 also applies to persons employed in looking after the employer's household, living under his roof and engaged for more than one month or employed on personal service or on irregular light tasks. According to a circular of 21 March 1919 this provision applies to chauffeurs employed in a household or undertaking, to coachmen and to persons in charge of engines or machines used for the service of the employer and his staff

In *Germany* certain collective rules apply to domestic staff in a given town or district and therefore include chauffeurs in their scope. In *Spain*, too, certain standards of employment for the transport industry specify that the drivers of private cars are covered by the regulations

## III DEFINITION OF THE TYPE OF TRANSPORT

Generally speaking, the transport may be carried out free of charge or in exchange for remuneration. In a certain number of regulations transport is not included unless carried out in exchange for remuneration (hire or reward). This condition is laid down in the road traffic legislation of many of the English-speaking countries, e.g. in *Australia* (Victoria), *Canada* (Manitoba, New Brunswick and Ontario), *Great Britain*, *New Zealand*, and various States of the *United States*. The rules laid down by the Motor Drivers' Board

of the State of Victoria apply to the drivers of motor vehicles "hired or plying for hire". The Commercial Vehicle Act of Ontario defines a public commercial vehicle as "a commercial motor vehicle or trailer as defined in the Highway Traffic Act operated on a highway by, for or on behalf of any person who receives compensation for the transportation of goods". Similarly, the legislation of *Great Britain* and *New Zealand* applies to motor vehicles operated for hire or reward. Very complete definitions are sometimes given, particularly in the case of vehicles for passenger transport, the definition used in the British regulations, which was quoted above (cf. section 2, B, b), even specifies the minimum fare to be charged.

#### IV DELIMITATION OF GEOGRAPHICAL SCOPE

Many regulations apply only to a restricted geographical area. This is the case, first of all, for a large number of local or district regulations applying either to goods transport or to passenger transport—collective agreements, arbitration awards, collective rules, rules of employment, etc., these exist in most countries. In addition certain general regulations are restricted in scope to definite geographical areas, such as urban areas or interurban areas.

In the *Canadian* Provinces of Alberta and Saskatchewan, for example, the Public Service Vehicles Acts exclude from their scope "trucks or trailers operated solely within the limits of a city or town or within those limits and a radius of 5 miles therefrom". In Manitoba an Order of the Municipal and Public Utility Board mentions among the exclusions from the Highway Traffic Act

- (i) trucks operated by local draymen within a 15-mile radius of their place of business,
- (ii) trucks delivering meat for a local meat ring,
- (iii) trucks which deliver gas and oil from local oil stations to consumers only and within a 15-mile radius of their place of business

In *Ireland* the permissive legislation excludes from its scope vehicles transporting goods in certain geographical areas which include the main towns in the country. In *New Zealand* the Transport Licensing Act of 1931 excludes from its scope goods services operated solely within a radius of 6 miles from the chief post office of any borough or town district or within the exempted areas of Auckland, Wellington, Christchurch, and Dunedin. Generally speaking, no licence is required under the traffic safety regulations

when the transport is carried on entirely within the boundaries of a single borough or town district. In the *United States* (State of New York) motor truck drivers operating wholly within a radius of 40 miles from the place at which they went on duty are exempt from the Labour Law.

On the other hand, certain regulations apply solely to transport in urban areas. For example, the *Estonian* Hours of Work Act of 1931 deals with the transport of goods and passengers only in so far as it is carried on in the streets of towns. In *France* the Decree concerning the passenger transport services of the Paris area obviously applies only to that area.

In connection with the geographical scope of the regulations the question arises as to how the transport is carried out. The term "road transport" contains the concept of "road", and certain regulations stress this term or try to define it. The legislation of the *Canadian* Provinces of Manitoba, Ontario and Prince Edward Island states that the motor vehicles or trailers to which it applies must be engaged in the transport of passengers or goods "upon the highway". The Motor Vehicles Act of the Province of Quebec speaks of vehicles "adapted for transportation on the public highways" and the regulations of Nova Scotia speak of "provincial highways". In *Great Britain* the Road Traffic Act of 1930 defines a road as being "any highway and any other road to which the public has access". The same idea is used in the legislation of *Ireland*, which refers to vehicles "travelling wholly or mainly on public roads".

### § 3 — Scope as regards the Vehicles used for Transport

When the immediate purpose of the regulations concerning the drivers of vehicles engaged in road transport is to regulate their conditions of employment, no distinction is made in their scope as to the nature of the vehicle used by the driver, horse-drawn vehicles are included in the same way as motor vehicles. The regulations usually make no mention of this point, but in some cases details are given as to the nature of the vehicle employed, and in other cases there are separate regulations for the drivers of horse-drawn vehicles and those of motor vehicles.

In most of the States of *Australia* there are separate arbitration awards for the drivers of horse-drawn vehicles and those of motor vehicles, in addition, a Commonwealth award covers the drivers



of both types of vehicles, it is valid for South Australia, Tasmania and Victoria

In *Brazil* the Decree concerning hours of work in land transport makes no distinction between vehicles of different kinds. The general legislation on hours of work in *Estonia*, *Finland*, and *Latvia* makes no such distinction, nor does the general hours legislation of *Spain*, although certain standards of employment apply to mechanical transport and others to horse-drawn transport. In *France* the Decree concerning land transport contains a general list which mentions the following vehicles and occupations

Wagoners, carters, drivers of traps, draymen, drivers of tip-carts and wood-sledges, traction engines and mechanical tractors, the owners of motors for the transport of machinery

Horse and motor omnibus undertakings, motor coaches, railway and hotel bus services, stage coach undertakings

The hire of horse-drawn vehicles or livery carriages, undertakings operating horse cabs and hackney carriages, undertakings operating prison vans, motor ambulances, motor cab undertakings, the hire of carts, hand-carts, sedan-chairs and bath-chairs

This is merely an extract from the complete list, which contains various synonyms for the above. Other *French* Decrees apply to urban and suburban tramway services and motor-bus or trolley-bus services attached thereto, to the passenger transport services of the Paris area and to funeral undertakings, the titles of these Decrees imply certain special types of vehicles

In *Austria*, *Czechoslovakia*, *Germany*, *Greece*, *Luxemburg*, *Netherlands*, and *Sweden* the legislation on hours of work applies to the drivers of all vehicles without distinction. In *Italy* collective agreements apply sometimes to undertakings for carting, transport or the hire of vehicles without specifying the nature of the vehicles, and sometimes to transport undertakings using horse-drawn vehicles

The *Polish* Order of 1933 concerning lorry drivers covers the drivers of horse-drawn and motor lorries and the drivers of buses and any other vehicles intended for use in connection with the loading, transport and despatch of goods, luggage or persons. In *Portugal* the regulations make no reference to the nature of the vehicle, nor does the *Swiss* transport legislation

On the other hand, regulations concerning road safety restrict their scope to motor vehicles in general or to a given list of vehicles, or else to certain specified types of vehicles to which the general regulations or certain provisions of the special regulations apply

In *Australia* the Transport Regulation Act of the State of Victoria applies to the drivers of motor vehicles used for the transport of goods or passengers. In the *Netherlands* the Vehicles Act of 1936 empowers the competent Ministers to regulate the time during which and the conditions under which certain groups of persons or individuals belonging to such groups may be permitted to drive a motor vehicle. In *Switzerland* the Order concerning the professional drivers of motor vehicles defines its scope as being "persons whose occupation it is to drive motor vehicles on the road (professional drivers) irrespective of whether they do so as contractors or as employees."

Among the regulations containing a list of vehicles covered mention may be made of the Motor Vehicles Act of 1935 in *Czechoslovakia*, which contains this enumeration

Pedal cycles with an engine, motor cycles, with or without side-car, motor tricycles, passenger cars, with or without trailers, motor buses, with or without trailers, lorries, with or without trailers, motors for special purposes (fire engines, motor street sweepers, etc.), tractors, with or without trailers, steam rollers and travelling stone crushers, aeroplanes capable of moving on the roads by their own power, motor ploughs, small motor vehicles for invalids

Detailed definitions of the vehicles covered are given in a large number of regulations, as, for example, in *Australia* (Western Australia Transport Co-ordination Act), *Canada* (Alberta Public Service Vehicles Act, Nova Scotia Motor Vehicle Act, Ontario Commercial Vehicle Act, Quebec Motor Vehicle Act, Saskatchewan Public Service Vehicles Act), *Great Britain* (Road Traffic Acts of 1930 and 1934), *Northern Ireland* (Northern Ireland Regulations), *Ireland* (Road Transport Acts of 1922 and 1933), *New Zealand* (Motor Vehicles Acts of 1924, 1927 and 1936, Transport Licensing Act of 1931 and Transport Licensing Regulations of 1936), and the *United States* (Safety Regulations of the Bureau of Motor Carriers)

Many of the definitions given in these regulations have certain common features. Those of *Great Britain*, *Ireland*, *New Zealand* and the *United States*, like the *Czechoslovak* Act already referred to, expressly exclude from their scope vehicles travelling on rails, the legislation of New Zealand also excludes trolley vehicles travelling on the road, whereas the *Czechoslovak* and French regulations already mentioned expressly include trolley buses. The regulations applied in Great Britain, Northern Ireland, and Ireland specify that trailers drawn by motors are also covered. Certain regulations give a general definition of motor vehicles,

whereas others define separately those used for goods transport and those used for passenger transport (e.g. Great Britain and New Zealand). The definitions of vehicles used in Ireland, New Zealand, and the United States may be quoted by way of example.

In *Ireland* the mandatory provisions of the Road Transport Act of 1923 give the following definition:

The word "vehicle" includes every kind of carriage, conveyance, or machine, however propelled or drawn, which is constructed or adapted for use on roads or permanent rails laid on roads, whether such carriage, conveyance or machine is supported on wheels, rollers, moving track or sliding runners, and whether such carriage, conveyance or machine is or is not used or capable of being used for the carriage of persons or of goods, but the said word does not include any carriage or conveyance which is carried and wholly supported by human beings or animals.

The expression "mechanically propelled vehicle" does not include a tramcar or other vehicle running on permanent rails.

The expression "large public service vehicle" means a mechanically propelled vehicle used for the carriage of passengers for reward having seating accommodation for more than six persons exclusive of the driver.

In *New Zealand* the Motor Vehicle Act of 1924 as amended in 1927 defines a motor vehicle for goods transport purposes as:

Any vehicle propelled by mechanical power, and includes a trailer and any other vehicle or locomotive of a class declared by regulations under this Act to be motor vehicles, but does not include a vehicle running on rails, or a vehicle which, though not running on rails, derives motive power from an overhead wire, if such vehicle is the property of and is run by any local authority.

It includes

Any conveyance which is equipped with wheels or revolving runners upon which it moves or is moved.

The word "trailer" means

Any vehicle without motive power drawn or propelled or capable of being drawn or propelled by a motor vehicle from which it is readily detachable, but does not include

- (a) a side-car attached to a motor cycle, or
- (b) a vehicle forming part of a six-wheeled motor lorry as defined by section 165 of the Public Works Act, 1928, or
- (c) a vehicle normally propelled by mechanical power while it is being temporarily towed without use of its own power.

In the *United States* the Safety Regulations of the Bureau of Motor Carriers define a motor vehicle as

Any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, and any combination of such vehicles, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

Mention has already been made in the present Chapter of certain special types of vehicles, such as motor buses, motor coaches, taxis and ambulances (§ 2, (2), B and C)

#### § 4 — Scope as regards Drivers

##### I GENERAL DEFINITIONS

As was mentioned at the beginning of this Chapter, general regulations on hours of work apply to the drivers of vehicles engaged in road transport in the same way as to other wage earners, they therefore contain no special or supplementary definitions of drivers. It will suffice here to consider the regulations referring specially to the drivers of road vehicles.

These different regulations use a variety of terminology. The French regulations alone employ a considerable number of terms. The Decree concerning land transport defines its scope by a list of occupations from which the following may be selected:

Transport contractors, forwarding and delivery agents, haulage contractors, lorry drivers, carriers, carriage contractors, carriage masters, wagoners, carters, vanmen, tip-cart drivers, trap drivers, draymen, sand cart drivers, timber carriers, wood-sledge drivers, drivers of petrol-tank lorries, drivers of animals, removal men, deliverymen, horse and motor bus drivers, conductors, drivers of stage coaches, postilions, mail-van drivers, post masters, donkey drivers, mule drivers, drivers of hired coaches, cab drivers, motor-car drivers, hackney-carriage and taxi drivers.

All occupations not directly connected with the driving of some kind of vehicle have been excluded from this list.

The terms used in English are less numerous, the most frequent being "driver" and "operator" or sometimes "motor man", while "carter" is used of horse-drawn vehicles.

The term "driver" taken apart from any reference to a special vehicle presents no ambiguity. It will be remembered, however, that the item placed on the Agenda of the Conference by the Governing Body is worded:

Regulation of the hours of work and rest periods of *professional drivers (and their assistants)* of vehicles engaged in road transport.

It is therefore necessary to consider how the different regulations define the complex concepts of "driver" and "assistant". The term "assistant" may be interpreted in very different ways as

meaning merely the auxiliary driver to relieve the main driver during a long journey or, on the other hand, any person whose assistance is required for the normal working of the transport system—deliverymen, workers engaged in the loading and unloading of goods, bus and motor-bus conductors, repair hands and other garage staff, and in particular those who wash vehicles, etc

The general regulations on hours of work, which make no distinction between the workers covered, obviously cannot provide information on this point. It may reasonably be concluded that their scope is wide enough to include “assistants” of all kinds in the same way as the actual drivers. Certain special transport regulations are also very wide in their scope and include the whole staff engaged in such transport, whether travelling or not. This is the case in *Argentina*, where the Decree of 1930 concerning tramway and motor-bus services speaks of “the hours of work of the staff of tramway and omnibus (motor-bus) services” without making any distinction between different groups of staff. In *Australia* the Commonwealth awards concerning carters apply in respect of hours of work to staff paid on a weekly basis. In New South Wales the awards of the Industrial Commission frequently apply to the members of specified trade unions, irrespective of their calling, and some awards cover all classes of workers engaged in road transport. Examples of this type might be multiplied.

On the other hand, some regulations give more definite explanations of what is meant by assistants. In *Australia* (Queensland), the carters’ awards apply to

All persons engaged in or in connection with the calling of drivers of horse vehicles and their assistants, and drivers of motor vehicles and their assistants, loaders and their assistants, grooms, stablemen and yardmen, also to all persons engaged in the occupation of draymen, vanmen, lorrymen, motor lorry men and motor cycle men, who provide and drive their own turnouts

This is perhaps the widest and most complete definition, along with that to be found in the special regulations in *Poland*, which apply to

The drivers of horse lorries, their assistants and stable boys, the drivers of motor lorries and their assistants, the drivers of motor buses, their assistants and conductors, and persons entrusted during transport operations with any duties in connection with the transport of goods, luggage or persons, or with their loading or unloading or with inspection

In other countries the regulations apply expressly to “travelling staff” or “those accompanying the vehicle” or to certain specified

subsidiary occupations. In *Belgium*, for example, the Royal Order of 1923 concerning removal undertakings applies to "workers engaged in loading and unloading"—an expression which necessarily includes the driver and his assistants, all of whom have to handle the furniture and goods carried. The Royal Order of 1930 for the carting staff of the Belgian National Railways applies to "persons employed as deliverymen or assistant deliverymen in the carting service" (of certain stations), these may either accompany the lorries and pick up or deliver goods or they may provide an express service. The same Order applies to the drivers of motor cars attached to the supplies service. The Royal Order of 1936 concerning undertakings engaging mainly in the sale and delivery of petroleum and its derivatives covers motor drivers, lorry men and those accompanying them.

In *France* the term "assistant" is not used in the Decrees concerning the transport industry, which, as has been seen, contain lists of persons. A certain number of the terms employed are, however, equivalent to "assistant". Moreover, the permanent exceptions in the different Decrees concerning land transport, industry, or commerce, apply not only to drivers but equally to deliverymen and storemen.

In *Germany* the collective rules for long-distance goods transport, which are valid for the whole country, apply only to drivers and relief drivers (*Beifahrer*). The collective rules for carting undertakings in Hamburg stipulate that the same provisions concerning hours of work shall apply to the drivers of motor lorries, carters, workers, persons accompanying the driver (*Mitfahrer*) and relief drivers (*Beifahrer*). Rules for motor-bus undertakings in Lower Saxony apply to drivers, relief drivers (*Beifahrer*) and auxiliary drivers (*Aushilfsfahrer*—drivers not permanently employed but available for temporary employment when there is a rush of work), garage staff, car washers, and watchmen. The collective rules in Hamburg for drivers of motor lorries, watchmen, and car washers in undertakings operating buses for tours, fixed routes or for hire apply to the categories of staff just mentioned.

In *Great Britain* the Road Traffic Act of 1930 defines the term "statutory attendant" as a person employed in attending to a locomotive or in attending to a trailer in accordance with section 17 of the Act, which requires an attendant to be carried on every trailer and a second person to be employed in driving or attending any heavy or light locomotive whilst being driven on a highway, except in the case of a road roller while engaged in rolling a road.

Further, the Road and Rail Traffic Act 1933 provides that an attendant employed to assist the driver of an authorised vehicle, being a heavy motor car, in the driving or control of a vehicle is subject to the regulations as to wages equally with the driver

In *Italy* the hours of work legislation excludes from its scope

- (a) staff engaged in the transport of persons and goods, including the work of loading and unloading,
- (b) carters, stable boys and the staff engaged in looking after horses and beasts of burden in commercial and industrial undertakings

Thus, drivers and their assistants are treated in the same manner. The national collective agreements constantly use the term "travelling staff" without further distinction, thus covering exactly those categories that are excluded from the hours of work legislation. This is the case more particularly in the national collective agreements concerning transport undertakings operated by municipalities, motor-bus services working under a concession, and the staffs of undertakings for transport by lorry.

In *New Zealand* the Drivers' Award applies to drivers and their assistants, the latter being defined as follows

The driver's assistant shall be a worker employed to assist the driver in loading and unloading and in any other duties other than driving and attendance to horses and vehicles but shall not include assistants on bakery delivery vehicles

In *Spain* many of the standards of employment apply both to the transport of passengers and to goods transport and therefore define their scope with reference to bus conductors as well as to the loading and maintenance staff. For example, the standards for mechanical transport in the province of Alicante consider the following as being workers subject to the provisions concerning hours of work

- (a) the drivers of vehicles driven by mechanical power,
- (b) bus conductors,
- (c) car washers,
- (d) the staff engaged in the loading or unloading of lorries

The standards for the drivers of regular bus services in Barcelona mention specially "conductors and their assistants". Those standards for mechanical transport in Granada consider the following workers as being governed by the provisions on hours of work

- (a) motor drivers,
- (b) the staff engaged in loading or unloading in mechanical transport services,

- (c) conductors on regular motor-bus services,
- (d) car washers,
- (e) apprentices,
- (f) any other similar staff,
- (g) drivers of lorries and light lorries

Similar details are given in the standards for mechanical transport in the provinces of Huesca, Murcia, Navarra, Saragossa, Soria, Teruel, and Valencia

Other examples of the same kind might be given showing that the regulations concerning road transport very frequently apply not only to drivers but to the whole of the travelling staff and even to some of the stationary (non-travelling) staff, provided that their work is directly connected with the maintenance and working of means of transport

## II STATUS OF DRIVERS (INDEPENDENT, EMPLOYERS OR WAGE EARNERS)

The problem with which the regulations have to deal is whether they should include wage-paid drivers, employers and independent drivers or should be restricted to the first of these groups. In this connection the nature of the regulations is important, when their immediate purpose is to restrict hours of work they apply to wage earners only, for they are not intended to regulate the conditions of work of employers. The regulations of this type examined during the preparation of the present report exclude from their scope the employer and assimilated persons (members of the employer's family, managing staff and persons holding positions of supervision or employed in a confidential capacity)

The definitions given of the term "employer" in these general regulations vary from country to country. Sometimes the wording of the scope of the regulations is sufficient to exclude employers because it refers expressly to wage earners. This is the case, for example, in *Canada* (legislation on wages and hours of work in Alberta, Ontario, and Saskatchewan). In other cases the employer is expressly excluded, and this exclusion generally extends to members of his family—a term which is often not defined in any detail. No definition is given in *Estonia*, *Finland* or *Sweden*, but in *Argentina* the Eight-Hour Day Act defines members of the employer's family as being relatives (legitimate or otherwise) of the employer within the following limits: ascendants, descendants, husband or wife, brothers and sisters. In *Portugal* an Order of the



Under-Secretary of State for Corporations and Social Welfare contains the following provision

The members of the employer's family who are exempt from the provisions of the Legislative Decree (of 1934 concerning hours of work in industrial and commercial establishments) are as a general rule only the parents, husband or wife, children, brothers and sisters of the employer. The exemption made for those persons does not mean that they should work beyond the legal limits laid down for the opening and closing of industrial or commercial establishments, but merely that they need not have a fixed hour for their mid-day meal and may remain permanently at work during normal working hours or may, if they have obtained permission, renounce their right to the weekly rest.

In *Uruguay* the Hours of Work Act and the Decree of 1935 under that Act exclude from their scope "the employer's sons, provided that they are not permanently employed and receive no remuneration."

In some countries the legislation on hours of work excludes members of the employer's family only in the case of family undertakings. In *Belgium*, for example, the Hours of Work Act grants an exemption for work in undertakings in which only members of the family are employed under the supervision of their father, mother or guardian. In *Poland* exemption from the hours of work legislation is also granted to members of the employer's family in a family undertaking.

With regard to managing staff and persons in positions of supervision or trust, the general regulations on hours of work also use very varied formulæ. In *Austria*, *Latvia* and *Luxemburg*, for instance, the legislation excludes "persons holding positions of supervision or management, or employed in a confidential capacity", which is the formula used in Convention No. 1 adopted at Washington.

In other countries more exact definitions are given. In *Argentina* the Eight-Hour Day Act of 1929 excludes from its scope "persons holding positions of management or supervision" and these are defined by a Decree of 1933 as including

- (a) the head, manager, director or principal person in charge of the undertaking,
- (b) superior managing or technical employees who replace the persons mentioned in the preceding item in the direction or management of the workplace, the assistant manager, members of the liberal professions who are employed exclusively in work proper to their profession or who include in their work any duties of management or supervision, secretarial staff employed for purposes of management or supervision and not merely in a subordinate capacity, heads of branches, departments or workshops, chargemen of

shifts, heads of the staff of engine-rooms or boiler-rooms or of gangs, and assistant heads when replacing them, foremen time-keepers inspectors when replacing the holders of the post concerned and provided that they perform work of management or supervision

Collectors and inspectors of collecting work and salesmen who are paid exclusively on commission shall be included among the exceptions to the Act

The persons enumerated in this section shall not be deemed to be exceptions unless they are employed exclusively in work proper to their post

These provisions apply not only to industrial and commercial undertakings but also to transport undertakings in general

In *Belgium* the Eight-Hour Day Act gives a very exact list of exclusions, including

- (a) persons holding posts requiring particularly high technical qualifications,
- (b) persons holding a position of management or employed in a confidential capacity

The occupational groups covered by this latter clause were defined in two Royal Orders of 1922 and 1927, according to which the following are considered as being employed in a confidential capacity in any undertaking chief stablemen, chief engineers, chief machine-minders, chief motor-men, chief electricians, chief fitters and the heads of the repair, maintenance or transport sections In the case of the transport industry, the managers and assistant managers of warehouses and foremen are considered as being employed in a confidential capacity In *Germany* the Hours of Work Order excludes employees holding a position of management and normally having under their orders not less than 20 salaried employees or 50 workers, and employees whose annual remuneration exceeds the maximum for insurance purposes under the Salaried Employees Insurance Act In *Mexico* the Labour Code excludes from its provisions as being on the same footing as employers the representatives of the employer, who are defined as being "directors, managers, administrators and in general all persons who exercise directive or managerial functions in the name of another" In *Poland* the hours of work legislation excludes persons holding a position of management, that is to say, those who are not obliged to remain in their place of employment during hours prescribed by the employer In *Spain* the hours of work legislation prescribes that it does not apply to directors, managers or other officials of undertakings who, on account of the nature of their duties, cannot be required to observe strict

working hours In *Sweden* the general legislation mentions among those excluded "foremen or other persons employed in a position of authority", the employer himself is tacitly excluded from the provisions of the Act, which applies only to workers in the strict sense of the term In *Uruguay* a certain maximum salary is used as the criterion for excluding employees from the scope of the legislation, the exclusion applies to all workers or salaried employees whose remuneration is not less than 3,000 pesos a year

The regulations concerning traffic safety normally apply without distinction to wage-paid drivers, employers who drive, and independent drivers The danger involved for other road users as a result of excessively long hours of driving is of course equally great irrespective of the driver's position In certain cases, however, even these regulations are restricted to wage-paid drivers

If one leaves out of account the general regulations on hours of work and considers only the regulations dealing particularly with road transport, whether they are concerned with safety or with hours, it will be found that they can be divided into two groups according as they apply to employers and employees alike or to the latter only

Among the regulations of this type concerning both wage-paid drivers and employers, mention may be made of the *Czechoslovak* Act of 1935 concerning motor traffic and the Decree issued under the Act, both of which apply to all drivers of motor vehicles, whether they are owners or not In *Germany* many collective rules, such as those concerning long-distance goods transport, apply to the whole country and cover persons employed in the undertakings in question even if they are not bound by a contract of employment to the undertakings, this is in conformity with an order of the Minister of Communications

In *Great Britain* the Road Traffic Act of 1930 contains the following definition which shows that the legislation applies to the owner if he acts as driver

"Driver"—where a separate person acts as steersman of a motor vehicle—includes that person as well as any other person engaged in driving the vehicle, and the expression "drive" shall be construed accordingly

In *Greece* the regulations on hours of work under the special Decrees concerning carting are the same for wage-earners as for proprietors or partners in the business, in so far as the latter perform the same work as the wage-earners whose hours of work are regulated

A general formula is used in the mandatory provisions of the *Irish Road Transport Act of 1933*, which applies to

Any person who drives or causes or permits any person employed by him or subject to his orders to drive one of the vehicles described above

The same formula is used in *New Zealand*. In *Spain* certain standards of employment apply to all drivers whether or not they are bound by contract to the undertaking. The formula used in *Switzerland* in the Order concerning professional drivers is as follows

Persons whose occupation it is to drive motor vehicles on the road (professional drivers) irrespective of whether they do so as contractors or as employees

In the *United States* the regulations for the State of Wisconsin include "drivers whether they be owners, agents or employees". In a certain number of States, such as California, Connecticut, Delaware, Iowa, Mississippi, New Jersey and Virginia, a very general formula is used "No person shall drive", whereas in other States the formula is "No carrier shall require or permit any driver to drive". It may be concluded from this wording that owner-drivers are covered by the scope of the regulations

One particularly important case is that of regulations for the taxi industry. Typical ones are those of the *French Act* concerning the organisation of the taxi industry, which provides that

The regulations drawn up by agreement between associations of hirers of public vehicles, the operation of which is subject to fares fixed by the public authority, and associations of drivers of such vehicles, whether they are owners of the vehicles or not, may be made binding on the whole of the occupation in the municipality or area concerned

The special transport regulations which exempt the employer or assimilated persons from their scope are few in number. One example may be found in *Argentina*, where the Decree of 1930 concerning tramway and motor-bus services includes the employer and members of the family of the employer, owner, contractor, director or principal managing clerk of the undertaking, provided that no persons outside the family are employed in the undertaking. In *Brazil* the Decree concerning hours of work in land transport applies to all persons employed in return for remuneration, with the exception of those engaged in duties of administration, management or supervision, travellers and representatives, and persons having

a share in the business, provided that they can produce valid evidence of this fact. In *Finland* the provisions of the Eight-Hour Day Act applying specially to road transport refer only to workers and subordinate employees of transport undertakings.

Those special regulations concerning road transport which restrict their scope to wage-paid drivers use a variety of different terms to define this restriction. In *Argentina* the Decree of 1930 concerning tramway and motor-bus services defines this scope with reference to the staff employed in such services. In *Australia* the definition given by the arbitration awards in Queensland and reproduced under I above applies to "all persons employed as drivers". In Western Australia the Carters' Awards apply to all members of the Union of Transport Workers and all "persons in the same callings employed by the specified employers". In *Austria* the Hours of Work Act of 1919 specially provides that regulations will be issued for the road transport industry and will cover chauffeurs, coachmen, carters and other persons engaged in the driving or service of means of transport employed in any other establishments. In *Brazil* the Decree concerning land transport excludes from its scope persons engaged in administration, management or supervision, travellers and representatives, persons having a share in the business, etc. In *Canada* the Motor Vehicles Act of the Province of Quebec defines a driver as being "a person who drives motor vehicles as a means of livelihood or who, in the fulfilment of his duties as an employee, drives any motor vehicle belonging to any person". In *France* the Decree concerning land transport undertakings applies, as was seen above, to various occupations enumerated in a list which also refers to categories of undertakings and vehicles. The Decree further provides that it applies "to workers and salaried employees engaged in the undertakings mentioned, even if their work is not directly connected with the occupations exercised in those undertakings, provided that their services are required solely for the maintenance and working of these undertakings or their dependencies". It would therefore seem that the application of the Decree is restricted to wage-earners proper. A similar formula is used in the Decree concerning funeral undertakings. The two other Decrees concerning road transport apply to the employees of urban and suburban tramway companies and all motor-bus or trolley-bus services attached thereto, and to the employees of the passenger transport services of the Paris area respectively, but in neither case is the term "employee" defined.

The *Swiss* regulations raise one special point—that of the permanency of the employment or service. The Order concerning the professional drivers of motor vehicles excludes from its scope “persons who, as an exceptional measure, drive a motor vehicle in return for remuneration”, and the Transport Act applies “to persons *permanently* employed and devoting the greater part of their time to the service of one of the undertakings mentioned above (that is, transport undertakings holding a concession from the Confederation and the postal service) and give their services in a purely personal capacity”. The Administrative Order under that Act further states that

a person shall be considered as permanently employed in the service of the transport and communications undertakings mentioned in section 1 when he is engaged by the undertaking with a view to his lasting and continuous employment. He shall be deemed to devote the greater part of his time to the service of the undertaking if his hours of work amount to 7 in the day on the average

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## CHAPTER III

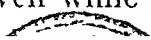
### NORMAL HOURS OF WORK

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#### § 1 — Factors in the Determination of Normal Hours of Work

The information supplied in the preceding chapter as to scope shows that the various national regulations apply to travelling staff belonging to a number of occupational classes. It is natural enough that regulations concerning hours of work should vary considerably from one class to another. The fundamental distinction to be drawn is that between passenger transport and goods transport. Whereas conditions of employment in goods transport have much in common with those of industrial or commercial workers, particularly as regards drivers employed by industrial and commercial undertakings, what distinguishes passenger from most kinds of goods transport is that the former is in the nature of a public service. This means that passenger transport must operate continuously for seven days in the week, and in some cases, for instance that of taxis, at night as well. Even if continuous operation is unnecessary, transport undertakings are often compelled to work a much longer day than is allowed for individual workers. This means that the day's work must be organised in successive shifts.

In other respects, too, the regulations concerning hours of work differ according to the branch of road transport in question, and more especially as between passenger and goods transport. The special problems that arise for certain classes of driver will be considered in this chapter, but it must be understood at the outset that although these differences exist and are sometimes very clear-cut, the regulations for different branches of transport cannot always be described separately. In many countries laws or other legal rules of a general kind apply to all branches of road transport, and differences of treatment only appear in administrative regulations, collective agreements, arbitration awards, etc. Thus, in describing the regulations, even while allowance is made



for the diversity of the national schemes, they can hardly be classified by occupational class

A general reservation must be made as regards the use to which the provisions of collective agreements are put. In some countries, where normal hours of work are not limited by law at all, or where, even if normal hours are fixed, in practice considerable latitude is allowed for determining the conditions of application (unspecified periods for averaging, absence of any daily maximum, etc.), the real position can only be described with reference to the provisions of collective agreements. There must, however, be a sufficient number of such agreements and these must be truly representative. That is often not the case. The provisions of collective agreements must therefore be interpreted very cautiously and care must be taken not to draw too general conclusions as to what may be the position in other branches of transport or districts not covered by the agreements. It frequently happens that the agreements embody the maximum concessions secured by the workers in a given branch of activity and that workers not covered by such agreements are in a much less fortunate position. If a collective agreement that does not really reflect existing conditions is taken as typical, the situation may be presented in too favourable a light.

Subject to these reservations, some information should be given as to the different parts of this chapter, which are not always self-explanatory. It must not be forgotten that the regulation of hours of work in road transport, and indeed in the transport industry as a whole, raises a number of problems that do not arise in other occupations. The problems peculiar to road transport are partly due to the fact that some regulations are drafted with a view not to the protection of the workers but to traffic safety, or to both together. Moreover, the particularly intermittent nature of some kinds of work and the fact that the travelling staff often has to do other work outside the travelling time of the vehicle make the fixing of several different limits necessary if every aspect of the problem is to be covered. The following points will therefore have to be considered (I) driving time, (II) hours of work, (III) hours of duty and the spread of the working day.

In dealing with each of these points, consideration will be given to certain subsidiary aspects. The purpose of the remarks that follow is to define more clearly these three different concepts of working hours.



## I DRIVING TIME

Persons employed as drivers are mainly engaged in driving a vehicle. Any other functions they perform may be considered either as subsidiary work or as activities that are not really work but are supplementary to work during certain hours of duty.

From the point of view of labour protection, the distinction between the various kinds of work on which a worker is engaged during his working hours may seem to be of secondary importance. Social measures should aim at reducing the time spent by a worker on wage-paid work to the minimum that is compatible with the necessities of industrial life, so that he may have sufficient time for rest. Accordingly, some regulations that are of a strictly social kind merely fix a maximum working day for drivers irrespective of the kind of work done. The distinction appears, however, as soon as special provisions for road transport workers are considered rather than general regulations, since the special provisions are not merely social rules but also rules for securing traffic safety. For the purposes of the latter it is necessary to limit the number of hours during which a given person has to drive a vehicle, because the degree of concentration and the quick reactions that are necessary in highway traffic cannot be expected of human beings for an indefinite period at a stretch.

Regulations concerning driving time may fix either a daily limit or a limit for uninterrupted driving. The latter depends on the need to interrupt the work after a certain number of hours spent at the wheel and therefore comprises the time between two periods of rest or of work other than driving. Thus the regulation of breaks is a factor in limiting uninterrupted driving time.

The regulations seldom limit the total driving time in the day. When this is done, the limit is usually fixed with reference to the total number of hours spent at the wheel. Certain countries, however, limit driving time with reference to the distance that a driver may cover in the day.

## II. HOURS OF WORK

Hours of work may be identical with driving time, when the worker only has to drive the vehicle and has no subsidiary work to do, but this is quite exceptional. As a general rule, the driver has a number of subsidiary jobs: signing registers, making up

accounts, etc., before and after the run, repairing or taking over the vehicle, feeding and care of horses, loading and unloading the vehicle, and various operations not directly connected with the vehicle. Thus the hours of work will include the principal work namely driving, or any other work performed during the travelling time of the vehicle, and certain subsidiary jobs that may take more or less time.

### III HOURS OF DUTY AND THE SPREAD OF THE WORKING DAY

“Hours of duty” is the third concept that is essential to the definition of the hours of work of travelling staff. These hours include not only those of work and the time when the worker is merely in attendance (hours of duty proper), but also interruptions of duty (the spread of the working day). Where a distinction can be drawn between the two ideas, hours of duty will include the periods during which the worker, without doing any productive work, is at his employer's disposal, and the spread of the working day will include in addition all the interruptions of service during which the worker is free to dispose of his time as he pleases, in other words, it is the period that elapses between two daily rests.

### § 2 — Methods of Limiting Hours of Work

Various factors affect the methods of limiting hours of work in road transport.

#### I RIGID AND FLEXIBLE REGULATIONS

A distinction may first be drawn between rigid and flexible regulations. This distinction is sometimes rather arbitrary. No doubt regulations that only fix a daily maximum limit or that combine a daily with a weekly maximum, without making any allowance for averaging or for making up lost time, must be considered as rigid when compared with other regulations that allow of calculating hours of work as an average over a period of several months. Between these two extremes a great many intermediate solutions are possible, which are combinations of different factors, such as the period over which hours may be averaged, the daily and weekly maximum limits, the possibility of making up lost time, the right to extend the span of the working day beyond the

permissible hours of actual work, etc., to say nothing of regulations concerning overtime, which do not come within the scope of this chapter, but are an important factor in flexibility. It would be impossible to classify national schemes as rigid or flexible without allowing for all these factors and estimating the extent to which each makes for flexibility in the regulation of working hours. In the circumstances, it seems preferable to refrain from making estimates which must necessarily be very arbitrary. Since, however, rigidity and flexibility play an important part in the comparison of national regulations, allowance will be made for these factors in classifying the provisions respecting driving time, hours of work, and hours of duty.

For each of the concepts of hours considered below, limits may be fixed in various ways. Limitation by the day is comparatively rare because too rigid and difficult to apply in road transport, but is sometimes to be found in connection with the limitation of hours of duty or the span of the working day, while uninterrupted driving time or total driving time are never limited otherwise than with reference to a daily maximum.

The second type is that of limitation by the week. The regulations may fix a weekly limit only, or they may combine this with one or more daily limits.

Still more flexible limitation is based on periods exceeding a week and even lasting a year in extreme cases. The flexibility of the regulations does not depend exclusively on the period fixed for calculating hours of work, but also on the daily and weekly limits for which provision may be made concurrently, and which restrict the possibility of extending hours of work beyond the average.

Hours of work, hours of duty, and the span of the working day are often limited by the week or an even longer period.

## II MAXIMUM HOURS

Whereas the various solutions considered so far may be found in all regulations irrespective of national peculiarities, maximum hours are fixed in some countries only, for example most English-speaking countries. The maximum, as fixed in road safety regulations, is the total number of hours that may not be exceeded whether worked as normal hours or as overtime. It therefore sets an absolute limit to the working day. Clearly, this limit alone would not suffice to determine normal hours of work, which must

therefore be fixed by agreement, arbitration award, or similar methods. In countries where the only statutory limitation is the maximum, there is, strictly speaking, no uniformity in normal hours of work. These vary with the content of collective agreements, arbitration awards, etc., and, failing sufficiently representative documentary material of this kind, it is often impossible to discover what the national situation is. That, for instance, is true to some extent of the United States, which is, nevertheless, a highly important country in road transport.

### III "GUARANTEED WEEK"

Another feature that is peculiar to several English-speaking countries and is, moreover, to some extent the result of fixing a maximum limit, consists in the fixing, by collective agreement, of a minimum working week or day. Often collective agreements fix not only this minimum but maximum and sometimes average hours as well. The purpose of guaranteeing a certain number of hours of work per week is clearly to ensure that the workers shall earn a minimum weekly wage and, to that extent, such provisions have no bearing on the investigation of working hours. The provisions are, however, often significant of the number of hours actually worked by road transport workers.

Thus in *Great Britain* the Court of Enquiry set up after the London motor-bus dispute reported that in January 1937 in an average working day of 8 hours, 13 minutes' working time, including breaks paid for as time worked, lasted 7 hours, 14 4 minutes while the "building-up time" necessary to complete the minimum 8-hour day guaranteed by collective agreement was 46 9 minutes.

## § 3 — Driving Time

### I UNINTERRUPTED DRIVING TIME

The regulation of uninterrupted driving time is closely connected with the provisions for breaks. The question is one that plays an important part in all laws and regulations respecting hours of work, and a particularly important one in road transport regulations since safety on the road calls for frequent interruptions of driving.

For reasons of safety, driving must be interrupted after a maximum mileage or number of hours spent at the wheel. But the

organisation of breaks also raises problems of a purely social kind, such as the minimum and maximum length of breaks, their distribution during the day, etc. This question will receive general treatment in section 5 of this chapter, for the time being, consideration will be given only to the provisions prohibiting continuous work for professional drivers

Uninterrupted driving may be limited in two ways. The regulations may either simply apply the principle of compulsory interruptions, by providing that the working day as a whole shall be interrupted by breaks, or they may specify that hours of uninterrupted driving or work shall not exceed a certain maximum limit. In the first case, it is left to the rules of employment of the undertaking, or sometimes to collective agreements, to specify the exact limit for uninterrupted driving time. This system, which is more flexible, applies in countries where conditions of work in road transport are governed by general enactments concerning hours of work or by regulations other than traffic safety regulations. On the other hand, most of the traffic safety regulations and some general enactments strictly limit the amount of uninterrupted driving or work. This does not apply, however, to the *Canadian* and *United States* laws and regulations, which, although drafted for purposes of traffic safety, merely limit total daily driving time and do not refer at all to uninterrupted driving.

An intermediate system consists in fixing the time of day within which the breaks, and in particular the mid-day rest, should usually be allowed. Under this system, uninterrupted driving can be limited only in so far as the hours of duty do not end before or start after the time limits fixed for the break. Apart from the main interruptions that often occur about halfway through the day's work and usually do not last less than 30 minutes, so that drivers may have time for refreshment and rest, one or even two other breaks (for breakfast and sometimes also for tea) are frequently allowed. Sometimes this point is dealt with by law, and more often in collective agreements, but, failing any specific provision, it may be assumed that in any countries such additional breaks are allowed as a matter of custom or under the rules of individual undertakings. The importance of these additional breaks is unquestionable, as regards both social protection and road safety, but they cannot be treated as equivalent to longer breaks affording drivers the muscular and nervous relaxation that is essential after several hours of continuous driving. When supplying information on this point later, a few national regulations will be cited merely as examples.

### A *Principle of Breaks*

Some laws with a purely social purpose require employers to grant their staff breaks, in the course of the working day, in some cases they specify the length of the break, in others they do not

In *Argentina* and *Germany* the rules of employment of the undertaking must fix the length and distribution of breaks, in *Austria*, *Brazil* and *France* the laws specify the minimum duration of the breaks without making any reference to distribution

In *Italy*, *Luxemburg* and *Norway* such provisions are to be found in collective agreements

### B *Period during which a Break must be allowed*

Sometimes the regulations specify the time of day at which breaks for meals should usually be allowed

In *Spain* several of the standards of employment provide that the breaks must be allowed between 12 noon and 3 p.m. Some collective rules in *Germany* and collective agreements in *Norway* fix the period for breaks between 12 noon and 2 p.m. In *Switzerland* all professional drivers must be allowed a break about halfway through the working day. The same applies in *Czechoslovakia* for drivers of private or luxury vehicles

In some other countries, provision is made for two or three interruptions a day between specified time limits. This system will be dealt with later

### C *Interruption of Work after a Specified Number of Hours*

This is the rule in most of the countries where breaks are regulated. Here again there is no uniformity either in the system of regulation (laws or collective agreements) or in the maximum permissible hours of work or driving time. The limit is usually 5, 5½ or 6 hours. In exceptional cases it may be either longer or shorter

#### (a) *5-hour Limit*

The maximum period for uninterrupted driving is fixed at 5 hours in the following countries

*Australia* (South Australia), *Austria*, *Belgium* (motor buses), *Czechoslovakia* (motor coaches) *Estonia* (the break may be suppressed in urban passenger services when a shift lasts less than 8 hours), *New Zealand* (passenger service vehicles and in the

transport services of industrial and commercial undertakings), *Portugal* (urban passenger service) and *Uruguay*

(b) *5½-hour Limit*

In the following countries duty must be interrupted after 5½ hours continuous driving

*Australia* (Victoria and Western Australia <sup>1</sup>), *Great Britain*, <sup>2</sup> *Northern Ireland* (in the case of goods transport only), *Ireland*, and *New Zealand* (laws and regulations)

(c) *6-hour Limit*

Several other countries have fixed the maximum period of uninterrupted driving at 6 hours

*Great Britain* (passenger services), *Northern Ireland* (passenger services), *New Zealand* (motor coaches, motor buses and taxis in virtue of arbitration awards covering these categories of undertakings), *Sweden*, and *Switzerland* (where the nature of the service permits Transport Order)

(d) *Longer Periods*

In *Germany* the question of breaks must by law be dealt with in the rules of employment of the undertaking. Consequently collective rules usually contain no provision in this respect. Only the collective rules concerning long-distance goods transport provide that a break shall be allowed after 8 hours' uninterrupted driving.

In other countries longer periods of uninterrupted driving than the regular maximum are allowed provided that the work of the staff is interrupted by other than the normal breaks.

In *Great Britain*, as an exception to the principle of a maximum 5½-hour period for uninterrupted driving, an 8½-hour period (9 hours in *Northern Ireland*) is allowed in passenger services provided the driver only works one shift in 24 hours, and the period of driving includes intervals of time for signing on and off, looking after the vehicle before leaving and after returning to the garage, lay over, etc. which in the aggregate amount to not less than 45 minutes. If these interruptions do not amount to more than 40 minutes, the total driving time may not exceed 8 hours. Finally, a third

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<sup>1</sup> In both these States, the time allowed for uninterrupted driving may be increased to 6½ hours on Saturdays and on days when traffic is heavy.

<sup>2</sup> By way of exception to the principle of a maximum 5½-hour period, various other periods have been authorised or introduced (6, 6½, 8 and 8½ hours), see under (c) below, and under (d) "Longer periods."

limit of  $6\frac{1}{2}$  hours is fixed for drivers who in 24 hours do not work more than two shifts lasting an aggregate of  $8\frac{1}{2}$  hours. The period of driving must then include intervals amounting in the aggregate to 45 minutes, and drivers must have at least 12 hours' uninterrupted rest in 24. 8 hours' uninterrupted driving is prescribed for goods transport, provided the intervals amount in the aggregate to not less than 40 minutes, of which not less than 20 must be allowed between the second and fifth hours of driving.

Similar provisions are to be found in *Switzerland*, where the break normally allowed about halfway through the working day may be suppressed when the period of duty does not exceed 8 hours and the staff is able to take refreshment during work. Further, 9 hours' uninterrupted work is allowed when the staff is excepted to be merely in attendance for more than half of that period and is able to have meals.

In other countries again, the absence of scheduled breaks is explicitly or implicitly explained by the fact that the period of duty for some classes of drivers includes interruptions or periods of mere attendance during which the staff can rest and take refreshment.

#### (c) *Shorter Periods*

(i) *Principal breaks* — The maximum period of uninterrupted driving is fixed at 4 hours in *Portugal*<sup>1</sup> and the *U S S R*, with reference to principal breaks.

(ii) *Additional breaks* — In some countries provision is made for short interruptions before or after the principal break. In *Czechoslovakia* drivers of motor vehicles are allowed a 10 to 15 minutes' break after 3 hours' driving. In *Switzerland* drivers of heavy motor vehicles are by law entitled to a 15 minutes' break after 2 hours' driving, unless they can take a rest of the same length while merely in attendance.

In several other countries breaks for breakfast or afternoon tea are allowed under collective agreements. In *Austria* the Vienna motor-lorry drivers are entitled to two breaks of half-an-hour each for breakfast and afternoon tea in addition to the midday break. Similarly, in *Denmark* several collective agreements provide for additional breaks lasting half-an-hour each (collective agreements concerning forwarding agents, coachmen, and furniture removers). In *Sweden* drivers employed in goods transport in Stockholm have three breaks, while other classes of drivers have two.

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<sup>1</sup> By law a break must be allowed after 4 or 5 hours' continuous driving.



## II TOTAL DRIVING TIME

Although most of the work done by professional drivers obviously consists in driving a vehicle, few countries limit total driving time, the reason being that in practice it is difficult to distinguish between driving and the other work done by a driver while on duty. Clearly there are considerable differences in the conditions of work of different classes of drivers. At one end of the scale there are motor-bus drivers in regular urban traffic, who in many countries do practically no other work besides driving, specialised staff being responsible for clearing, upkeep and repairs. At the other end there are coachmen or drivers of motor vehicles in industrial, commercial or other undertakings, who often load and unload lorries, deliver goods, and work as mechanics, cleaners, stable boys, etc. Between the two extremes there are all the other classes of drivers covered by this report.

Owing to the difficulty of isolating the various factors in the work of drivers, and more especially drivers of motor vehicles, some laws and regulations make no attempt to distinguish between driving and all the other work done by drivers of motor vehicles, but simply limit the working day as a whole, these laws and regulations are described in the following section. In other countries an attempt has been made to distinguish between driving and the other operations that may be covered by the definition of a driver's total hours of work or duty.

Total driving time, like uninterrupted driving time, is usually limited by the day, whereas permissible hours of work or duty in general may be spread over longer periods. There are, however, some exceptions to this rule.

Total permissible driving may be limited with reference either to time or to mileage. In practice the time limit is usually adopted. In any case the limits so fixed are maximum limits, that is limits that may not be exceeded either in a normal day's work or by overtime. That is why time limits of 9 to 10 hours are found in systems usually based on the 8-hour day and 48-hour week.

### (a) *Time Limits*

The maximum number of hours for driving is usually set at 9 or 10 in the day.

(i) *9-hour limit*

A 9-hour limit has been set in *Canada* (Manitoba, public passenger services), *Germany* (Cuxhaven, motor-bus drivers), and *Switzerland* (professional drivers of motor vehicles)

(ii) *10-hour limit*

A 10-hour limit has been set in two *Canadian* provinces (Ontario, 10 hours in 24 for passenger services, and New Brunswick, 10 hours in 16), and in *Germany* (long-distance goods transport)

(iii) *14-hour limit*

In *Spain* the Traffic Code applicable to passenger services and public goods transport sets the limit for total driving time at 14 hours in the day

(b) *Mileage limits*

Aggregate mileage limits are to be found in *Austria* (400 kilometres a day under the collective agreement for private motor-bus drivers in Vienna) and in *Canada* (Province of Quebec, 250 miles a day and 1,500 miles a week)

§ 4 — Hours of Work

Hours of work, as distinguished from driving time, are the second basis for limiting the work of road transport workers. Whereas driving time is a simple concept, hours of work is a complicated one, involving various factors. For most of the workers concerned, hours of work may be defined on the one hand with reference to the principal factor, which is time spent in driving or in any other work performed during the travelling time of the vehicle, and on the other with reference to secondary factors, which may be grouped under the heading "subsidiary work"

When the simple concept of driving time was being considered, the time limits allowed under different regulations could be compared merely with reference to the number of hours that drivers might spend at the wheel in different countries. It is much harder to compare time limits in the case of hours of work. According as different subsidiary jobs have to be done by workers in two countries, the same number of hours spent on these jobs mean different things. If, for instance, in countries A and B, drivers of motor vehicles in transport undertakings have to do two hours'

subsidiary work in addition to a given spell of driving, it may be that in country A some drivers spend a large proportion of these two hours in supervising the loading of their lorries, book-keeping or inspecting the vehicle, whereas in country B they will have to load, unload and clean their vehicles, jobs very different from those performed in country A. If different classes of workers are considered, the differences between their auxiliary jobs may be even more marked.

The problem is so complex that it makes it almost impossible to compare the actual conditions of different classes of drivers or of the same classes in different undertakings or countries, since the regulations often describe the subsidiary work, as distinct from driving or any other principal work, in very general terms only. The fact that comparison is impossible as between classes or countries is not, however, a serious obstacle to a comparative study of the problem. Whatever the nature of the subsidiary work done, that work has to be done in addition to the principal job, and should be allowed for in any analysis of working hours.

Frequent reference has already been made to a feature that is peculiar to road transport. In an industrial undertaking it is as a rule easy to isolate what is known as preparatory and complementary work, and to have this work done either by specialised workers or by productive workers in the strict sense of the term outside the time spent on their main work. In the latter case permanent exceptions are allowed that permit of extending hours of work beyond the normal limit. For two reasons it does not seem possible to do this in the case of persons employed as drivers, in the first place, some of the operations have to be performed not only before or after driving, but between spells of driving as well. For instance, loading and unloading and the feeding and care of draught animals may be necessary before or after driving, but also at intervals between driving.

Moreover, in road transport travelling staff not only has preparatory and complementary work, but also other jobs that, from a technical point of view, are not merely a preparation for or an extension of the principal work, but something quite different—for instance, the delivery of the goods transported, the sale of tickets, various operations connected with the transport of passengers, personal luggage, signing on and off and small book-keeping operations that often have to be done by various classes of travelling staff. All this is so intimately connected with the principal work that to isolate the component parts is almost impossible.

Most road safety regulations treat subsidiary work as driving. In several English-speaking countries "driving time" includes not only actual driving, but any time spent by the driver on other work connected with the vehicle or the load, and any time spent on a vehicle in any capacity other than that of a passenger.

Accordingly, the present report will have to treat subsidiary work not as an exception to normal working hours but as an essential part of these. The time spent on such work and on the principal work itself does not include any periods during which the driver is not actively working for his employer and it may, therefore, properly be described as the essential work of the travelling staff.

Another difficulty arises as soon as an attempt is made to classify the various national regulations according to these principles. The fact that the travelling staff have subsidiary jobs in addition to their principal job is not the only feature peculiar to their work. Another feature is that periods of activity alternate with breaks or periods during which they are merely in attendance. This is particularly true of some classes, e.g. motor drivers and coachmen employed by industrial or commercial undertakings, furniture removers, taxi drivers, etc. It so happens that, in the case of these drivers, daily extensions of normal working hours are due not only to the subsidiary operations that have to be performed but also to the intermittent nature of the work. Often both these reasons are given, implicitly or explicitly, for granting extensions and it is then almost impossible to say how long the drivers in question do work. Accordingly, in the case of some classes, more especially that of taxi drivers, the regulations limit not hours of work, but solely hours of duty, which include the periods when the driver is not engaged in occupational activities.

For other classes, the solutions adopted vary considerably. The position in Germany is typical. Under the Hours of Work Order of 26 July 1934, the permissible working hours (8 in the day) may be extended to cover intermittent work and preparatory and complementary work. In pursuance of these provisions, collective rules prescribe, for most road transport workers, hours of work exceeding 8 in the day, but it is sometimes impossible to isolate the various factors that account for this extension. In Baden, the Rhineland and the Saar territory, the extended period is 9 to 10 hours a day, 11 hours a day, and 60 hours a week respectively, inclusive of subsidiary work. In other districts, time is allowed over and above hours of duty for subsidiary operations, so that

the day's work sometimes lasts 11 hours (Brandenburg), 11½ hours (Schleswig-Holstein) or 12 hours (Central Germany) <sup>1</sup>

Whereas in Germany regular extensions are explicitly granted in view of subsidiary operations and the intermittent nature of the work performed by motor drivers and coachmen, in *France* these reasons are not as a rule given for similar daily extensions. Among all the classes of travelling staff covered by 40-hour week decrees, the only class to which the daily extensions (1 hour a day for motor drivers and 1½ hours for horse drivers) do not apply is that of motor drivers in passenger services. No reason is given for the extension, but it may be assumed that it is granted in view both of the subsidiary operations and the intermittent nature of the work performed by these workers.

These two examples show how complicated the problem of "actual working hours" is in road transport and how difficult it is to carry out any international analysis of such hours.

A logical analysis would involve the grouping under "hours of work" of all regulations that fix limits solely with reference to time actually worked, excluding all periods of inactivity even when the workers are required to remain in or near the vehicle (waiting time, or periods of mere attendance). These periods of inactive employment would, together with breaks and interruptions of work, be included in "hours of duty", a term which would thus cover not only work proper but all the factors entering into the determination of the span of the working day.

A logical scheme of this kind, however, would not bear comparison with the facts. No regulations applicable to work such as that of travelling staff in road transport could completely separate active from inactive spells. Interruptions of duty and waiting time are, like subsidiary operations, closely connected with the work proper. Accordingly, national regulations frequently provide that certain breaks or short periods during which the driver is merely in attendance shall be treated as work. When the breaks or scheduled interruptions are short, the worker is usually unable to leave his workplace and it seems quite proper to treat these periods as periods of work. Sometimes there is even a rule that the worker may not leave the vehicle during these short breaks.

Accordingly, in this report, hours of work are taken to include breaks so far as these are treated as work in national regulations.

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<sup>1</sup> *Soziale Praxis*, 19 February 1937, p. 236

The longer breaks or interruptions not covered by hours of work will be considered in the following section

## I LIMITS SET TO HOURS OF WORK

Unlike the limitation of driving time for which a daily maximum is nearly always set, that of hours of work may be more or less flexible, or, in other words, based on periods of several days, weeks, or even months. The classification and comparison of these limits are, therefore, complicated matters.

Moreover, care must be taken not to confuse normal hours of work with the maximum hours that are frequently laid down in safety regulations, more especially those of English-speaking countries. These are absolute maxima that may not be exceeded either by normal hours or by overtime. Within the maximum limits, those of normal hours of work are set by collective agreement or arbitration award. Since the relevant documentary material is often lacking or insufficient it is difficult to ascertain the exact number of hours worked. Collective agreements must be used cautiously. While they may show the hours actually worked, it is sometimes hard to be sure that their provisions are representative of working conditions throughout the country.

Another general remark may be made concerning the occupations covered by hours of work regulations. These regulations apply to many different classes of workers. As a general rule, however, the hours of work of taxi drivers are not limited owing to the very intermittent nature of their work, any limitation of their conditions referring always to hours of duty.

### A *Daily Limitations*

This is the strictest form of regulation and, naturally enough, is seldom found in road transport, where regulation must be fairly flexible. The commonest daily limit is 8 hours. Sometimes the regulations specify that the limit is not set per day but per period of 24 hours.

#### (a) *8-hour limit*

A limit of 8 hours in the day has been adopted in several countries for the following occupations

*Australia* (Victoria, arbitration award applicable to all motor vehicles), *Austria* (Act respecting drivers of private motor cars), *Denmark* (several collective agreements applying more especially

to forwarding agents, coal merchants, and furniture removers), *Germany* (Saxony, collective rules, respecting regular motor-bus services), *Greece* (lorries), *Latvia*, *Mexico* (general provisions of the Act); *United States* (some collective agreements applying to motor-bus and truck drivers), *U S S R* (drivers employed in undertakings where the 8-hour day still applies, and more especially on State farms (*sovkhoses*) and in certain other occupations, e g wood cutting, the match industry, and flour mills)

(b) *Shorter limits 6 or 7 hours*

*U S S R* 6 hours for motor-bus drivers in Moscow and in services between Moscow and neighbouring towns, 7 hours for motor-bus drivers in all other services

(c) *Longer limits 9 or 10 hours*

*Germany* 9 hours for motor-bus drivers in Cuxhaven<sup>1</sup>, *United States* 9 or 10 hours under some collective agreements applying to motor-bus drivers

B *Weekly Limitation*

Limitation of hours of work by the week is to be found in road transport as in other occupations. Most of the regulations are based on the principle of an 8-hour day, in other words, 48 hours is the commonest weekly limit

1 *Limitation by the Day and Week*

This is a combination of rigid limitation by the day and the flexible type of limitation which is based on longer periods. The normal weekly limit is 48 hours. The daily limit varies, it may be 8 hours, in which case it is as rigid as any ordinary daily limit. However, with a view to flexibility in the distribution of hours over the week, or in order to ensure that staff shall have half a day's rest in addition to the weekly rest, by distributing the hours of work unevenly among the different days of the week, the regulations permit of setting the daily limit at more than 8 hours.

Finally, in some cases, the daily spell of work is prolonged to allow for subsidiary operations

(a) *Weekly limit of 48 hours evenly distributed (8 hours a day)*

The following countries have adopted this rigid type of limitation: *Australia* (South Australia, municipal motor-bus services), *Belgium* (general Act), *Czechoslovakia* (general Act), *Great Britain* (collective agreement for the London motor-bus services), *Greece*

<sup>1</sup> Exclusive of waiting time, subsidiary work, and book-keeping

(motor buses), *Italy* (public services operated by municipal authorities), *Luxemburg* (general Act), *Portugal* (urban passenger services), *Poland*<sup>1</sup>, *United States* (some collective agreements)

(b) *Weekly limit of 48 hours unevenly distributed (8½ to 10 hours a day)*

This type of limitation has been adopted in the following countries (the daily limit is shown in brackets)

*Argentina* (9 hours if one shift is worked, 8½ hours if two shifts are worked), *Australia* (Western Australia, 10 hours for motor buses and taxis, Victoria and South Australia, 9 hours 40 min in goods transport), *Belgium* (10 hours in the sale and distribution of petroleum and derivatives), *Estonia* (9 hours if necessary), *Germany* (Saxony, 9 hours for motor coaches in irregular services), *Great Britain* and *Northern Ireland* (8½ hours under a collective agreement applying to transport workers in Belfast), *Italy* (9 hours in public services operated by municipal authorities), *Spain* (9 hours if necessary owing to the nature of the work), *Sweden* (9 hours under the general Act and 8½ hours under a collective agreement applying to goods-transport workers in Stockholm)

(c) *Shorter or longer weekly limits*

(i) *Shorter limits 42½ to 44 hours a week with uneven distribution (8 to 9 hours a day)* — *Australia* (New South Wales and Queensland, 44 hours per week and 8 hours per day), *New Zealand* (42½ per week and 9 hours per day for drivers of vehicles belonging to local authorities)

(ii) *Longer weekly limits 54 hours per week and 9 hours per day* — Weekly limits exceeding 48 hours are very rare In the *United States* a collective agreement applying to motor-bus drivers employed by a railroad company provides for 54 hours in the week and 9 in the day

## 2 *Limitation by the Week*

The weekly limit is usually set at 48 hours This applies in the following countries

(a) *48-hour limit* — *Australia* (Queensland, South Australia, Victoria, Western Australia, arbitration awards applying to goods transport), *Austria* (collective agreement applying to forwarding agents), *Czechoslovakia* (collective agreements), *Denmark* (collective

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<sup>1</sup> The regulations allow of extending daily hours of work by not more than three hours for subsidiary operations



agreement applying to passenger transport services and goods transport), *Sweden* (collective agreement applying to forwarding agents, undertakings in the timber trade, motor coaches and lorries), *Uruguay* (general Act)

(b) *Shorter limits 40 hours* — A weekly limit of 40 hours was fixed by the Act of 21 June 1936 in *France*, legal extensions being allowed as indicated on page 91 below. The four administrative decrees applying to land transport provide for different methods of enforcing this limitation. This section will deal only with the even and uneven distribution of the 40 hours over different days of the week. The distribution of hours over periods exceeding a week, so as to allow of working more than 40 hours a week, will be dealt with later.

The following table shows the various methods of distribution open to undertakings covered by the decrees.

DISTRIBUTION OF WORKING HOURS IN FRANCE  
(40 hours per week)

Method of distribution	Land transport <sup>1</sup>	Motor-buses run by tramway companies <sup>2</sup>	Funeral establishments
Even distribution	<p>(a) 8 hours a day for 5 working days with 2 consecutive days' rest</p> <p>(b) 6 h 40 min per working day in the week</p>	<p>(a) 8 hours a day for 5 working days with 2 consecutive days' rest</p> <p>(b) 6 h 40 min per working day in the week</p>	6 h 40 min per working day
Uneven distribution	<p>(a) Daily maximum of 8 hours with Saturday afternoon off or any equivalent method of distribution</p> <p>(b) In passenger transport undertakings the daily maximum may be increased to 9 hours, and in some cases 10 hours, twice a week <sup>3</sup></p>	<p>(a) Daily maximum of 8 hours with Saturday afternoon off or any equivalent method of distribution</p> <p>(b) The daily maximum may be increased to 9 hours on two occasions between two long periodical rests</p>	Daily maximum of 8 hours with Saturday afternoon off or any equivalent method of distribution

<sup>1</sup> Including every form of transport by horse-drawn or motor vehicle, except the classes shown in the next two columns

<sup>2</sup> Except passenger transport in the Paris area, which is covered by a special decree allowing for a 40-hour average to be calculated over a whole year in the case of travelling staff

<sup>3</sup> The 10-hour limit may only be applied under a decree issued by the Minister of Labour after consultation with a joint committee and the prefects of the departments concerned

(c) *Longer hours 54 to 56* — *Austria*, 56 hours (collective agreement applying to lorry drivers in Graz), <sup>1</sup> *Germany*, 54 hours (collective rules applying to passenger services in Hamburg)

### 3 *Limitation by Periods exceeding One Week*

This form of limitation frequently occurs in road transport owing to the need for flexible regulation. The periods over which averages are calculated vary from a fortnight to one year. In some cases the period is not specified but may be fixed by the undertakings themselves.

As in the case of weekly limitation, a limit set with reference to periods exceeding one week may be combined with daily, weekly or other maxima.

#### (a) *Fortnightly averaging*

(i) *Averages of 8 hours per day or 48 hours per week* — This form of limitation applies in the following countries: *Austria*, 96 hours (all occupations, collective agreements for lorry drivers and private motor-coach drivers in Vienna), *Germany*, 96 hours (general enactment<sup>2</sup>, and collective rules applying to motor-bus drivers in Lower Saxony)<sup>3</sup>

(ii) *Shorter averages 44 or 40 hours* — *Australia* (New South Wales), 88 hours, with a weekly-maximum of 48 hours (State motor-bus services), *New Zealand*, 88 hours with a weekly maximum of 48 hours and a daily maximum of 10 hours for motor-coach drivers, and 80 hours with 44- and 11-hour maxima for motor-bus drivers.

(iii) *Longer averages* — *Austria*, 112 hours for passenger services in Lower Austria <sup>4</sup>, *Switzerland*, 108 hours with a daily maximum of 9 hours for professional drivers in postal, telephone and telegraph services and in transport undertakings operating under a Federal concession, and a maximum of 10 hours for other drivers.

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<sup>1</sup> Hours of work are fixed by law at 48 in the week, but under the collective agreement, lorry drivers are required to work 8 additional hours a week at the wage rates fixed in the agreement, the overtime rate being payable only from the 57th hour.

<sup>2</sup> This average, although it is not directly prescribed by law, is implicit in the provision for making good lost time during the same week or the following week, whatever the reason for the loss.

<sup>3</sup> The hours of work are 48 in the week or 96 in the fortnight exclusive of preparatory and complementary operations, for which not more than two hours a day are allowed.

<sup>4</sup> See note 1 above.

(b) *Averages calculated over periods of 3 to 6 weeks (8 hours per day or 48 hours per week)*

*Argentina*, 144 hours in three weeks (general enactment concerning shift work in transport undertakings) weekly maximum of 56 hours (road transport other than by motor-bus) or daily maximum of 8½ hours (motor-bus services), *Czechoslovakia*, 192 hours in four weeks (forwarding agents), *Finland*, 192 hours in 4 weeks (general Act), *Great Britain*, averages calculated over three weeks with a weekly maximum of 48 hours (London passenger services), and over six weeks with a weekly maximum of 48 hours (general enactment), *Norway*, averages calculated over four weeks with a weekly maximum of 45 hours and a daily maximum of 9 hours (collective agreement for lorry drivers), *Portugal*, averages calculated over periods not exceeding one month (passenger services other than urban passenger services), *Sweden*, 144 hours in three weeks (motor-coach drivers)

(c) *Averages calculated over periods of three months to one year*

(i) *Averages of 8 hours a day or 48 hours a week* — *Belgium*, quarterly averages with a weekly maximum of 48 hours and a daily maximum of 10 hours (carting staff and motor-vehicle drivers of the Belgian National Railways), and 1,200 hours in six months (undertakings for the hire of vehicles and motor cars), *Great Britain*, weekly average of 48 hours guaranteed to about 90 per cent of the staff, the averaging period not being specified (municipal or provincial motor-bus services), *Mexico*, unspecified periods with a weekly maximum of 57 hours and a daily maximum of 11 hours three times a week (general enactment), *Poland*, 626 hours in 13 weeks with a daily maximum of 10 hours

(ii) *Shorter averaging periods* — In *France* under the Administrative Decrees applying the Act of 21 June 1936 to land transport undertakings, to motor-bus services run by tramway companies, and to passenger transport services in the Paris area, hours of work may be calculated with reference to specified periods not exceeding one year provided the average hours worked per week do not exceed 40. For land transport, regulations may be issued by Ministerial Decree fixing the daily maximum at 9 hours and possibly at 10 hours (by ministerial order issued after consultation with a joint committee and the prefects of the departments concerned), for urban motor-bus services, regulations may be issued by prefectorial decision fixing the weekly maximum at

45 hours, for passenger services in the Paris area averages are calculated over the whole year with daily maxima of 8 hours 15 minutes in winter and 8 hours 45 minutes in summer. In *New Zealand* a 44-hour average with weekly maxima of 48 hours in winter and 40 hours in summer is allowed (arbitration award for drivers employed by aerated water and cordial manufacturers). In the *U S S R*, the Order of 2 January 1929 prescribing a 7-hour day in all economic branches including transport provides that undertakings operating continuously (4 days' work followed by 1 day's rest), or in which owing to technical conditions the regular 7-hour day cannot be introduced, may so calculate hours of work that the average hours worked do not exceed 7. Among the undertakings operating under the continuous system are those that have to satisfy cultural requirements or the daily needs of large groups of the population, motor-bus services and fire brigades are mentioned as examples.

## II MAXIMUM HOURS OF WORK

The setting of a maximum limit that may not be exceeded either by the normal working day or by overtime is a road safety measure which supplements the limitation of driving time. Maximum hours are always limited by the day, the purpose being to limit the total number of hours that the driver spends at the wheel or on other work connected with the vehicle he drives.

The setting of an absolute maximum period to hours of work is clearly a supplementary form of limitation and is therefore also dealt with in Chapter IV of this Report (Extension of normal hours of work). The limits so fixed do not, of course, correspond to those of normal hours and may in no case be compared with those described under 1 (Limits set to hours of work).

### (a) 11-hour Limit

An 11-hour limit is set in the following countries: *Australia* (Victoria and Western Australia), *Great Britain* and *Northern Ireland*, *Ireland*, *New Zealand*.

### (b) 12-hour Limit

A 12-hour limit is set in the following countries: *Australia* (New South Wales—motor-bus drivers)<sup>1</sup>, *Sweden*, *United States* (Federal regulations).

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<sup>1</sup> On Sunday the limit is raised to 14 hours.

### III SUBSIDIARY WORK

The nature of subsidiary work and of the regular extensions of hours it necessitates were set out at the beginning of this section. In the following pages consideration will be given to the provisions contained in national regulations respecting various kinds of subsidiary work. Information is scanty because in most cases the regulations merely state in general terms that working hours exclude or include certain kinds of subsidiary work. The countries that treat this work on the same footing as driving (in particular, the English speaking countries) often mention the jobs for which allowance is made in calculating hours of work. Certain jobs, for instance the feeding and care of horses, are dealt with in special clauses providing not merely for longer hours on weekdays but also for work on Sundays. They will also be mentioned in the chapter dealing with the weekly rest.

Subsidiary work may be classified as follows

#### A *Formalities to be completed by drivers and their assistants before, during or after duty*

These include the signing of registers or attendance sheets, minor book-keeping operations, taking delivery of goods in the case of deliverymen, drawing motor-bus or motor-coach tickets, checking amounts received and spent during the journey (drivers and other staff of motor-buses, motor-coaches, and taxis, and deliverymen), drawing route sheets, etc.

#### B *Taking over and Garaging the Vehicle*

These operations include taking the vehicle out of the garage, inspection, filling the petrol tank, returning the vehicle to the garage, etc. If a vehicle happens to be elsewhere than in the garage, the payment for the extra distances is sometimes dealt with in special rules.

#### C *Upkeep and Repair of the Vehicle*

This work includes cleaning, greasing or repairs to be effected or supervised by drivers and their assistants.

#### D *Loading and Unloading the Vehicle*

This is often trying and very tiring work, and in the case of removalmen, fuel deliverymen and similar occupations often forms a very large part of the day's work.

## E *Feeding and Care of Draught Animals*

Work of this kind must be done not only on weekdays but also on Sundays and public holidays. It sometimes includes cleaning the stables. Special provisions on such work are frequent in collective agreements.

In most countries regulations contain general clauses providing that preparatory, complementary, and subsidiary work shall as a whole be excluded or included in the calculation of hours of work. Collective agreements, arbitration awards, collective rules, etc. sometimes contain more detailed provisions dealing specifically with certain kinds of work. Special reference may however be made here to certain clauses contained in the regulations.

The difficulty of distinguishing between subsidiary work and periods when the driver is merely in attendance has already been mentioned. A practical significance attaches to the distinction when the remuneration for periods of attendance is lower than that for actual work. Some countries, such as *Brazil*, *France*, and *Switzerland*, have drawn up scales for calculating the value of periods of mere attendance in relation to time worked in the strict sense of the term.

For the purposes of such calculation the *Swiss* legislation distinguishes between "tiring work" and work that is not tiring, the latter being treated as periods of attendance, whereas tiring work is included in hours of work. This definite distinction between subsidiary work and periods of mere attendance thus has a bearing not only on remuneration but also on the determination of hours of "work" and "duty," respectively. The Message of the Federal Council respecting the Hours of Work and Rest Order for professional drivers of motor vehicles contains the following comment:

Hours of work within the meaning of section 2 include not only the time during which the driver is driving a motor vehicle or engaged on its upkeep or in preparing it but also the time during which he is engaged on other work. Since, however, the only issue here is road safety, the work must be tiring. If it is not tiring, time spent on it is treated as time during which the driver is merely in attendance. Although in practice it may sometimes be difficult to determine what is meant by "tiring work" it does not seem proper to disregard the purpose of the Act by omitting any reference to this notion in the Order. Thus time during which the driver is loading or unloading goods (tiring work) is always to be regarded as part of hours of work and not of hours of attendance.

In other countries, either no distinction is made between the concept of subsidiary work and that of mere attendance, or else

the distinction is left to actual practice That is especially true of several *German* collective rules, which allow an aggregate quota of additional hours for preparatory and complementary work and for periods of mere attendance In some cases this quota even includes the time needed for breaks

It is clearly impossible to estimate the time required to carry out the different subsidiary jobs, since it varies from one case to another and from one day to another, and could only be judged approximately as a result of enquiries made in representative undertakings in a sufficiently large number of countries An enquiry of this kind was carried out in Great Britain at the time of the motor-bus dispute in London at the beginning of 1937 It was shown that the following times were spent on various operations by London motor-bus drivers

#### TIME REQUIRED FOR VARIOUS OPERATIONS PERFORMED BY LONDON MOTOR-BUS DRIVERS

(Averages for all drivers from Monday to Friday in January 1937)

	Hours	Minutes	Hours	Minutes
Bus running time	6	00		
Reporting time		20 0		
Standing and terminal time		31 5		
Travelling to and from relief point		12 4		
	<hr/>			
Total working time			7	3 9
Excess meal relief paid for as time worked		10 5		
Building-up time		16 9		
	<hr/>			
				57 4
			<hr/>	
Total time paid per duty			8	1 3

The general provisions concerning subsidiary work and the special provisions applying to particular subsidiary jobs will be dealt with separately

#### *General Provisions*

##### *Definitions of Subsidiary Work as Part of the Principal Work*

Several English-speaking countries give a definition of "driving time" that corresponds to the definition adopted for "hours of work" in this Report

Driving time is defined as including, besides driving, any time spent by the driver on other work in connection with the vehicle

on the load carried and any time spent on a vehicle while on a journey in any other capacity than as passenger. This definition is to be found in *Australia* (Victoria and Western Australia), *Great Britain* and *Northern Ireland, Ireland, and New Zealand*.

In *Switzerland* the Order respecting professional drivers defines hours of work as including the time during which the driver is engaged on "tiring work" other than the driving, preparation or maintenance of his vehicle. Hours of work, within the meaning of the Transport Order, include any time spent by staff on subsidiary work.

In the *United States* the Federal Safety Regulations for Motor Carriers state that "a driver is at work when he is engaged in preparing his vehicle for service, loading, unloading, driving, handling freight or performing any other duty pertaining to the transportation of passengers or property."

#### *All Subsidiary Work included in or excluded from Hours of Work*

In *France* a large number of the Decrees applying the 40-hour week in various branches of industry and in mining undertakings, the Decree respecting land transport and the Decree respecting general undertakings provide that hours of work may be regularly extended by one hour a day for drivers of motor vehicles and one hour and a half for drivers of horse-drawn vehicles, the reasons for these extensions being that the drivers have subsidiary work to do and that their work is intermittent. Accordingly, these regular extensions of one hour or one hour and a half per day apply to drivers of all categories, with the exception of drivers engaged in passenger services.

In *Germany* the Order of 26 July 1934 provides that regulation hours of work may be extended by not more than two hours in the day for all staff in the following cases among others: for such inspection of installations, cleaning and maintenance as is essential to the regular operation of the establishment, for work without which it would be technically impossible to maintain or restore the establishment at or to full working capacity. In pursuance of this Order, several collective rules provide for extensions, usually lasting two hours in the day, for the performance of preparatory and complementary work. In most cases these extensions are granted not only for the performance of subsidiary work but in consideration of the intermittent nature of the work. They will be dealt with further in the next section, which deals with hours of duty.



In *Poland* persons directly responsible for keeping the vehicle in good condition or looking after draught animals may be employed for not more than three hours a day on work that has to be done before the vehicle leaves the garage or after its return or in looking after draught animals

In *Austria*, *Czechoslovakia*, and *Estonia* normal hours may be extended to carry out preparatory or complementary work, no maximum being fixed for such extension

In some other countries, such as *Argentina*, *Belgium* and *Luxemburg*, the general enactments provide for the possibility of extending hours of work by administrative decree for purposes of preparatory and complementary work, but no use appears to have been made of the provision

In *Great Britain*, in accordance with the general definition of hours of work in that country, most collective agreements provide that the agreed hours of work shall include time spent on different subsidiary jobs. Some of the provisions are mentioned in the following pages. In the Maidstone and District Agreement (passenger transport) 30 minutes are allowed for "such necessary services as preparing for service, garaging, making up way-bills, paying in cash, drawing tickets, etc"

### *Special Provisions dealing with Particular Subsidiary Jobs*

A large number of collective agreements or similar regulations contain provisions dealing with particular subsidiary jobs. A few examples are given below

#### *Formalities to be completed before, during and after Duty*

In *Canada* (Manitoba), under the collective agreement covering the staff of the Winnipeg Electric Company, bus men are allowed 10 minutes reporting time a day or 5 minutes in two-men service. In *Germany* (Saxony), the collective rules for passenger services provide that hours of work shall not include time necessary for book-keeping operations

In *Denmark* a collective agreement applying to various classes of drivers of motor vehicles employed in industrial, commercial and other undertakings provides that hours of work may be prolonged by 15 minutes a day for preparing for duty

In *Great Britain* several collective agreements applying to passenger services allow time for signing on and off, reporting, etc. The London Tramways Agreement and the Northern Ireland Passenger Agreement allow drivers 30 minutes for signing on and

off In the Ribble Agreement, 5 and 10 minutes are allowed, and in the Northern and General Agreement, 20 minutes

### *Taking over and garaging the Vehicle*

Collective agreements often limit the time for taking over the vehicle before duty (inspection and taking the vehicle out of the garage) and for returning the vehicle to the garage The time so allowed may be either included in or excluded from normal hours of work

In *Australia* (Queensland) drivers are allowed 10 minutes in the employer's time to take the vehicle out of or into a garage In *Canada* collective agreements allow 10 to 15 minutes a day for the same operations In *Italy* the collective agreements merely provide that the time necessary for these operations shall be included in the hours of work

In *Spain* normal hours of work in the regular motor-bus services of Barcelona and the province of Navarra include the inspection and preparation of the vehicle In the province of Guipuzcoa, the standards of employment applying to hired vehicles provide that the hours of work of drivers shall include one hour for taking the vehicle out of and into the garage

On the other hand, in *Denmark* a collective agreement applying to various classes of drivers of motor vehicles in industrial and commercial undertakings provides that in addition to normal hours of work 15 minutes shall be allowed for preparatory work

In *Great Britain* the London Tramways Agreement allows drivers 5 minutes for running a car into the depot at the end of the first spell of duty and 10 minutes for bringing a car out of the depot at the beginning of the second spell

### *Incidental driving*

Certain regulations make special provision for the distances to be covered during hours of duty when vehicles have to be taken from or returned to some place other than the "home garage" before and after duty The time spent in covering such distances may be included either wholly or partly in hours of work, or it may be left out of account when calculating hours of work, in which case drivers are often granted a special bonus

(a) *Incidental driving included in hours of work* — In *New Zealand*, under the "Local Bodies' Drivers Award" any additional time spent by a driver in parking or garaging his vehicle at a place other than the usual yard depot is deemed to be part of his day's

work when such time exceeds 30 minutes. A collective agreement applying to motor-coach drivers in *Sweden* contains a similar provision. In *Switzerland* such time is included in hours of work when it exceeds 15 minutes and provided the driver is not entitled to a special allowance.

In *Spain* (Guipuzcoa), 50 per cent. of the time spent by a driver in fetching a vehicle at some place other than his place of residence is included in hours of work provided such hours exceed a weekly maximum fixed at 60 for hired vehicles not fitted with taximeters, and 48 for motor-bus services on regular routes.

(b) *Special allowances for incidental driving* — In some countries drivers are entitled to a special allowance for any distance travelled outside the regular hours of duty, when the time spent in travelling such distances is not included in hours of work.

Provisions of this kind are to be found in *Australia* (New South Wales and Victoria) and in the *United States*.

### *Upkeep and Repair of the Vehicle*

Whereas the first two kinds of subsidiary work are so closely connected with driving that it must always be done by the drivers themselves, the upkeep and repair of vehicles may easily be entrusted to persons specialising in this work. In practice, there are considerable differences in this respect as between different classes of drivers and according to the size and the organisation of the undertakings. It seems that in many countries, motor-bus drivers, more especially in regular services, practically do no other subsidiary work than that classified under "Formalities to be completed before, during and after duty" and "Taking over and garaging the vehicle" (p. 88). On the other hand, in some small taxi undertakings, for instance, the drivers are often employed as mechanics and cleaners as well.

Owing to the special nature of this work, some collective agreements provide that it shall be paid for at special rates and thus exclude it from the regulation of normal hours.

In *Denmark* a collective agreement applying to several classes of road transport workers provides that hours of work may be extended by not more than one hour a week for the purpose of cleaning and greasing vehicles, the work being paid for at a special rate. On the other hand, in the case of motor-coach drivers employed by the State railways, the same work has to be done during normal hours. In *France* the collective agreement applying to transport, carting, and removal undertakings in the Alps

Maritimes Department provides that the upkeep, greasing and washing of vehicles may by way of exception be done by drivers, deliverymen and furniture removers when their normal hours of work include slack time, the regulation hours may therefore not be exceeded. This agreement was made binding by a Ministerial Order. In *Spain* drivers of mechanically propelled vehicles are as a rule expected to keep the vehicle clean, grease it, clean and take care of the engine, and often to carry out small repairs that need not be done by trained mechanics. Finally, in *New Zealand* work of this kind is included in normal hours of work.

### *Loading and unloading the Vehicle*

There are very few provisions that refer specifically to the loading and unloading of vehicles, apart from some general provisions that in certain countries (in particular, English-speaking countries) assimilate such work to driving. Work of this kind forms a very large, if not the most important, part of the work performed by some classes, such as deliverymen, furniture removers, workers employed in distributing fuel, etc. It is also important, of course, in the case of lorry drivers employed by industrial or commercial undertakings or in goods transport of other kinds. In the absence of definite provisions, it must be assumed that it is always included in normal hours of work.

In some countries and for some kinds of road transport there is a tendency to have this work, like maintenance work, done by specialised staff. In *Spain*, several standards of employment provide that the loading and unloading of lorries shall be done by special staff. In such cases the drivers have to work the mechanical equipment used for loading and unloading.

### *Feeding and Care of Draught Animals*

National regulations and more especially collective agreements or other administrative rules contain a number of provisions dealing with work of this kind. The feeding and grooming of horses and the cleaning of vehicles and stables are sometimes included in normal hours of work but are more often the subject of permanent exceptions.

#### (a) *The feeding and care of animals included in normal hours*

In *Australia* (Queensland) such work is included, under an arbitration award, in the normal hours. In *Italy* the collective agree-

ments for horse-drawn goods transport generally provide that the driver's hours shall include the preparation of the vehicle and the care of animals before driving. In *Norway* a collective agreement for the Oslo coal trade likewise provides that such work shall be covered by normal hours, while allowing drivers to start work half-an-hour sooner than the coal depot workers so as to give time for grooming and feeding the horses.

(b) *The feeding and care of animals not included in normal hours*

In most cases normal hours of work may be extended for the purpose of caring for horses. The additional hours allowed range from 1 to 3, in exceptional cases less time may be allowed.

(i) *1 additional hour* — *Germany* (Saxony, collective agreement applying to commercial establishments), *Denmark* (collective agreement for coachmen), *Spain* (Valencia, standards of employment for carters)

(ii) *2 to 3 additional hours* — *Czechoslovakia*, 2½ hours, of which 1½ before and 1 after duty (collective agreement for forwarding agents), *Germany*, 2 hours (Baden, for furniture removers), *Poland*, 3 hours (Decree respecting road transport)

(iii) *Shorter periods* — *Sweden*, 15 minutes (Stockholm, collective agreement for goods transport, forwarding agents, and the timber trade, special rates being payable), 45 minutes before duty (Malmö, coachmen employed in goods transport)

§ 5 — Hours of Duty and the Spread of the Working Day

Whereas hours of work is a concept that is common to every branch of economic activity, hours of duty is one that is peculiar to industries and occupations in which actual work alternates with periods of mere attendance. Among these occupations is that of most classes of road transport workers. The limitation of hours of duty is therefore frequent, either as the principal factor in the regulation of hours or as supplementing the limitation of driving time or hours of work.

Hours of duty consist of work and interruptions of work. The latter may be scheduled interruptions of service, or periods during which the worker is merely in attendance waiting for a driving job,

or again breaks during which he may either leave the vehicle unwatched or have to remain on or near the vehicle. If the driver remains during that time at the disposal of his employer or of any other person who might make use of his services, the work is of the kind described as 'essentially intermittent', in the Washington Convention of 1919, this term was defined as follows by the Conference of Ministers of Labour held in London in 1926 to interpret certain provisions of the Convention "occupations . . . which are interrupted by long periods of inaction during which these workers have to display neither physical activity nor sustained attention and remain at their posts only to reply to possible calls"

In practice the extent to which the work of the travelling staff may be intermittent varies considerably for the different classes of workers. For motor-bus drivers employed on regular routes, the day's work consists almost entirely of driving, interrupted by short terminal breaks that are usually treated as work, and there appears to be no need for introducing the concept of hours of duty to supplement that of hours of work.

Taxi drivers, whose work is frequently interrupted by periods of inactivity, are in quite a different position. An enquiry carried out in *New Zealand* showed that in Wellington taxi drivers only worked about 20 to 30 minutes in every hour of duty. Clearly, for this class of drivers, the only possible limitation is that of hours of duty.

A distinction may be drawn between two conceptions of "hours of duty", one narrow and one broader, in the application of the national regulations. According to the first, hours of duty include, in addition to the time spent on actual work, only those periods during which the worker, without having anything to do, remains at the disposal of the employer or other persons. The limits laid down in national regulations usually apply to "normal duty", that is, do not include overtime. In some cases, however, traffic safety regulations provide for maximum hours of duty, similar to maximum hours of work.

Hours of duty proper are defined in national regulations either directly with reference to the time during which the worker is on duty, or with reference to a list of the activities and interruptions of which the duty consists. Hours of duty are frequently defined as the period during which the worker is at the employer's disposal. Definitions of this kind are to be found in the regulations of *Belgium*, *Brazil*, *Estonia*, *Latvia*, *Portugal*, *Spain*, and *Uruguay*.

Other countries define hours of duty as the period between the

time when the driver first enters the garage and the time when he leaves it at the end of his duty. This definition has been adopted in the following countries: *Australia* (New South Wales and Queensland), *Canada* (Manitoba), *France* (taxis), *Italy*, *Switzerland*, and the *United States*.

In *Greece* the definition consists of a list of the functions covered by hours of duty.

On the other hand the London Conference of Ministers of Labour in 1926 defined hours of duty in general terms as follows: "working hours are the time during which the persons employed are at the disposal of the employer, they do not include rest periods during which the persons employed are not at the disposal of the employer." The meaning assigned to hours of duty in this report is also covered by that definition.

The second conception of hours of duty covers not only the time during which the worker is at the employer's disposal but all breaks and other interruptions during which he may leave the vehicle and dispose freely of his time as he pleases, and therefore corresponds to that of the span of the working day. In some countries the span of the working day is defined as the time that elapses between two daily rest periods (*Great Britain* and the *Netherlands*). The laws and collective agreements that limit the span of the working day usually do so directly by fixing the hours at which work shall begin and end, or by prescribing a maximum number of hours in the day to cover all work and breaks. The regulations may also prescribe maximum limits both for hours of work and for breaks; by adding up these maxima the span of the working day is obtained.

But it may also be limited indirectly, through the fixing of a minimum period for the daily rest. This form of limitation is considered in Chapter V which deals with rest periods.

Hours of duty, like hours of work, but unlike the spread of the working day, lend themselves to flexible limitation, based on periods exceeding a day. In the following analysis of national regulations limiting hours of duty, the various provisions are classified according to their elasticity. Naturally enough these limits are much higher than those fixed for hours of work, which they usually extend by one or two hours a day. This is why averaging, a system often adopted for limiting hours of work, is much less usual in the limitation of hours of duty. Averaging means that additional hours may be worked on some days, compensated by shorter hours on other days, but when the working day is often 12 hours or more, it can hardly be extended regularly.

## I HOURS OF DUTY

### A *The Limits fixed*

#### 1 *Limitation by the Day*

This is the method of limitation most frequently adopted for occupations in which only hours of duty are limited. That is true more especially of taxi drivers. The prescribed limits usually range from 10 to 12-hours a day, but shorter and longer hours are sometimes allowed.

(a) *10-hour limit* — This is the limit fixed in some countries for certain classes of drivers. *Canada* (Prince Edward Island), *Denmark* (in Copenhagen the limit for taxi drivers is 20 hours when there are two drivers, each working from 9 to 11 hours), *France* (taxi drivers working a 6-day week), *Germany* (Lubeck, collective agreement for forwarding agents and furniture removers), *Norway* (Oslo, collective agreement for taxi drivers), *Sweden* (Stockholm and Goteborg, collective agreement for taxi drivers), *United States* (the limits usually adopted in State legislation are 10 to 12 hours for all classes of professional drivers).

(b) *11 and 12-hour limits* (12 hours unless otherwise stated) — *Canada* (Manitoba, taxis), *France* (taxi drivers working a 5-day week), *Germany* (Cuxhaven, 11 hours in passenger services<sup>1</sup>, 12 hours under most regulations applying to taxi drivers and under the collective rules for long-distance goods transport)<sup>2</sup>; *Switzerland* (professional motor drivers), *United States* (in most States maximum hours of duty range from 10 to 12 hours).

#### 2 *Limitation by the Week*

##### (a) *Limitation by the day and by the week*

When limitation by the day is combined with limitation by the week, hours of duty, unlike hours of work, are usually spread evenly over the different days of the week, so that there is no occasion for averaging. Sometimes hours of duty are extended on five days of the week in order that drivers may have half a day off on Saturday or some other day.

The regulations are not, however, sufficiently uniform or numerous to permit of establishing what might be considered to

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<sup>1</sup> Paris, taxi drivers who own and drive only one vehicle 11 hours (Order of 10 December 1937)

<sup>2</sup> Spells of more than 12 hours are permitted only when there are two drivers on the vehicle



be average standards. The weekly limit is as a rule 60 to 66 hours, and the daily limit 10 to 11 hours.

(i) *55 hours per week and 10 hours per day* — These are the limits prescribed in the *Netherlands* for motor-bus drivers.

(ii) *60 hours per week and 10 hours per day* — In *Germany* most of the collective rules for industry provide that hours of duty for motor drivers or coachmen employed in industrial undertakings shall be 60 in the week and 10 in the day.

(iii) *65 hours per week and 10 hours per day* — This is the limit fixed for taxi drivers in *New Zealand*, where employers may choose between two methods of limiting weekly hours of duty: a uniform 65-hour limit may be adopted, or the limit may be 60 hours in one week and 70 in the next.

(iv) *66 hours per week and 11 hours per day* — *Germany*, (Hamburg, transport services) *Italy* (taxi drivers).

(v) *Shorter limits* — In *Brazil* hours of duty for urban motor-bus drivers are 48 in the week and as a rule 8 in the day, though the daily hours of duty may be prolonged to 10. In the *Union of South Africa* a collective agreement applying to passenger services prescribes limits of 52 hours in the week and 9 hours in the day.

#### (b) *Limitation by the week*

Here again the limits vary considerably and regulations are few in number.

(i) *50 hours per week* — *Italy* (lorry drivers and drivers of vehicles for hire).

(ii) *54 and 60 hours per week* — In *Germany* the collective rules for certain industries fix the weekly hours of duty for drivers of vehicles at 54 or 60. The same limits are prescribed for transport undertakings of various kinds (transport of goods to the wholesale meat market in Berlin, removal undertakings in Oldenburg). For removal undertakings in Baden, Saxony, and Silesia hours of duty are 48 per week, plus 2 hours per day in the case of coachmen and one hour per day in that of motor drivers, to cover preparatory and complementary work, making the totals 60 and 54 hours respectively.

(iii) *54 to 72 hours per week* — In *Spain* several standards of employment fix hours of duty for carters at 54-72 in the

week, but the employers are often required to pay higher wages for hours worked in excess of 48 or 54 in the week

(c) *Limitation by periods of over a week*

Unlike hours of work, which are frequently averaged over periods of as much as a year, hours of duty are never averaged over periods exceeding a month. In practice the averaging period is 2, 3 or 4 weeks or a month

(i) *Averages calculated over periods of 2 weeks (10 hours per day)* — *Germany*, 120 hours in 2 weeks, (several collective rules for drivers in industrial undertakings, Lower Saxony, motor-bus drivers), *Sweden*, 120 hours in 2 weeks and 60 hours per week

(ii) *Averages calculated over periods of 3 or 4 weeks (8 hours per day or 48 per week)* — When the average is calculated over periods of 3 or 4 weeks, average hours of duty never exceed 8 in the day or 48 in the week

In the province of *Alicante in Spain*, drivers of private or luxury vehicles may be on duty for 208 hours in a period of 26 working days (an average of 8 hours a day). In *Sweden* hours of duty for drivers of hired vehicles may amount to 192 in 4 weeks, with a weekly maximum of 60 and a daily maximum of 12 hours, hours of duty for motor-coach drivers may be 144 in 3 weeks

## B *Maximum Hours of Duty*

As in the case of hours of work, certain regulations also prescribe maximum hours of duty which may not be exceeded either by normal hours or by overtime. Such limits are prescribed for reasons of road safety. Whereas in the case of hours of work, the maxima are always fixed by the day, in that of hours of duty they may be fixed by the week

(a) *Limitation by the Day 12-16 Hours*

Maximum hours of continuous duty have been prescribed in several States of the *United States*. The limits are usually 12 hours for passenger services and 14 hours for goods transport

A maximum of 16 hours has, however, been prescribed in the State of *Delaware*. The same limit has been fixed in *Norway* under a collective agreement applying to transport undertakings and forwarding agents in *Oslo*

(b) *Limitation by the Day and by the Week*

Federal road safety regulations in the *United States* prescribe maximum hours of duty amounting to 60 in the week and 15 in the day. For motor coaches in long-distance traffic, the same regulations prescribe an alternative limit of 70 hours in 8 days with a daily maximum of 15 hours, so that staff may in turn have a weekly rest on Sunday.

(c) *Limitation by the Week*

In *Australia* (Victoria) maximum hours of duty are fixed at 60 in the week for goods transport.

C *The Spread of the Working Day*

The concepts considered so far are either simple, such as that of driving time, or composite, although the parts of which the latter are made up can each be said to consist either of a period of work or of a period of attendance during which the driver remains at the employer's disposal. The spread of the working day, that is, the total number of hours over which a person's daily work may be spread, includes, in addition to the periods described above, interruptions of service and breaks during which the driver is free to dispose of his time as he pleases. The spread of the working day is discussed here as one form of limiting the worker's hours of duty because for some classes (taxi drivers and drivers engaged in some kinds of long-distance traffic), whose breaks cannot be in practice distinguished from periods of attendance, often the only measure of the working day is its spread. The spread of the working day sets the widest daily limits for normal hours of work. It comprises the whole time that elapses between the end of one daily rest period and the beginning of the next.

This section deals only with the direct limitation of the spread of the working day. Indirect limitation, which may take the form of fixing a minimum daily rest, will be dealt with in the chapter on rest periods.

Limitation of the spread of the working day always consists in the fixing of a daily maximum limit. The regulations may either prescribe a total number of hours over which the daily work may be spread, or prescribe maximum durations for breaks and other interruptions of duty. In the latter case, the maximum spread is obtained by adding up the maxima prescribed for interruptions.

of duty and for the duty itself. In practice, the first method prevails and this method alone will be examined here, the length of breaks and interruptions of duty being dealt with later.

The maximum limit for the spread of the working day ranges from 10 to 14 hours according to country and occupational class, but it is usually fixed at 12 or 13 hours a day. In a few exceptional cases it may be 24 hours or there may be no maximum limit at all.

(a) *Limits of 12 or 13 Hours*

Such limits are set in the following countries: *Australia*, 12 hours including overtime (arbitration awards), *Canada*, 12 hours (Manitoba, but 11 hours for bus drivers employed by the Winnipeg Electric Company), *France*, 12 hours (land transport, vehicles for hire and motor buses operated by urban tramway services<sup>1</sup> when the weekly hours of work are spread over five days in the week), *Germany*, 12 to 13 hours (various collective rules), *Netherlands*, 12 hours<sup>2</sup>, *New Zealand*, 13 hours (motor-bus, motor-coach and taxi drivers), *Spain*, 12 hours Barcelona, 80 per cent of staff of urban motor-bus services (13 hours for 15 per cent), *Navarra*, including overtime, motor-bus services), *Sweden*, 12 hours (Decree applying to transport undertakings), *Union of South Africa*, 12 or 13 hours according to occupation (passenger services).

(b) *Shorter Limits (10 to 11 Hours)*

These are fixed in the following countries: *Australia*, 11 hours (goods transport, South Australia, on Sundays), *Denmark*, 10 to 11 hours (various collective agreements), *France*, 10 hours taxis in Paris (vehicles for hire) and 11 hours (motor buses in urban services<sup>3</sup> when weekly hours of work are spread over six days in the week), *Sweden*, 10 hours (collective agreement for goods transport) and 9½ hours (collective agreement for lorries and motor coaches).

(c) *Longer Limits (13 to 15 Hours)*

*Australia*, 14 hours (Western Australia, on Sundays, New South Wales, on Saturdays and public holidays), *France*, 13½ hours

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<sup>1</sup> Measures allowing more flexible limitation may be prescribed by prefectorial decision if by this means it is possible to avoid taking on subordinate staff that would not otherwise be necessary.

<sup>2</sup> 14 hours once a week.

<sup>3</sup> Measures allowing of more flexible limitation may be prescribed by prefectorial decision if by this means it is possible to avoid taking on subordinate staff that would not otherwise be necessary.

(passenger services in the Paris district) and 14 hours (land transport <sup>1</sup>), *Germany*, 14 hours (some collective rules), *Switzerland*, 13 to 15 hours according to the opportunities for compensation afforded in respect of spans exceeding 13 or 13½ hours)

(d) *24-hour or Unlimited Spread*

When two drivers take turns in driving the vehicle, the spread of the working day may comprise 24 hours or even several days, provided suitable arrangements are made for the drivers to rest on the vehicle. This point is discussed in S6 which deals with shift work.

In *Germany* the collective rules for long-distance goods transport provides for a spread of up to 24 hours a day, but hours of duty exceeding 12 in the day are permitted only when there are two drivers on the vehicle.

In the *United States*, the Federal road safety regulations provide that time spent by the driver in a " sleeper cab " on trucks in long distance traffic may be treated as daily rest periods and consequently excluded from hours of duty. Under this provision drivers can stay on their vehicle for several weeks.

## II INTERRUPTIONS OF WORK

Hours of duty consist of hours of work and interruptions of work. The interruption may consist of a break during which the driver is entirely free or of a period during which, although he does no work, he remains at the disposal of his employer or of clients (periods of mere attendance, waiting or being at call). This distinction, which is a very important one and apparently quite clear, is not always easy to apply in practice. Often the borderline between mere attendance and a break is not very distinct. An interruption of work may begin as a break and subsequently become a period of attendance, and *vice versa*. Moreover, some regulations deal with periods of attendance and breaks in the same clause, stating for instance, that rest periods must be fixed with reference to the interruptions that quite naturally occur in the course of work. It is, however, necessary to draw a distinction between the interruptions during which the worker does not have to think about

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<sup>1</sup> This limit may be authorised by an Order of the Minister of Labour subject to conditions which are to be specified and which relate mainly to the compensation for additional hours.

his work at all and is quite free, and those during which he is obliged to remain at the workplace or any other place indicated by the employer

A third class of interruptions is that which consists of short breaks treated as forming part of hours of work. Here, the distinction between short breaks and longer rest periods or periods of attendance is one of time, since only interruptions that do not exceed a given maximum are treated as hours of work.

In the case of breaks, as distinct from other parts of the working hours of the travelling staff, attempts are often made to fix an optimum period by setting minimum and maximum limits. For physiological reasons, and in order not to lessen output by making drivers work too many hours consecutively, and again for reasons of road safety, drivers must be allowed sufficiently long interruptions to permit of the necessary nervous relaxation and physical rest. But for general social reasons, it is desirable to limit the span of the working day, and very often the workers insist that the duration of breaks must be limited in order to reduce the span. Thus, some regulations fix not only minimum but also maximum periods for breaks.

Periods of attendance and breaks will now be considered separately.

#### *A Periods of Attendance*

This term covers a great variety of interruptions during which the driver is, as a rule, expected to remain at the disposal of his employer or of any other person entitled to demand his services. One reason for his being at the disposal of his employer or of other persons may be that he has to observe a certain time schedule. In the case of passenger services, most of the interruptions take the form of waiting while the vehicle stops. Lorry drivers, furniture removers, and deliverymen may have to remain in attendance while waiting for orders between two jobs of work. The work of taxi drivers is particularly intermittent, since the waiting periods are often longer than the periods of actual work.

For the purpose of regulating conditions of work in road transport, it is very important to determine the periods of mere attendance, since the existence of such periods is the chief reason for allowing longer hours of work for transport workers than for industrial workers. It is sometimes necessary to measure these periods of attendance in terms of "hours of work", more especially when the regulations take no account of the concept of hours of

duty and fix only hours of work proper. This applies, for instance, in *France*, where the regulations only limit hours of work. To allow of expressing the working day uniformly in terms of hours of work, even when interrupted by periods of mere attendance, the Decree of 16 July 1937 concerning land transport undertakings contains the following provision: if a vehicle carries two drivers who take it in turns to drive when long distances are to be covered, the time during which each of the drivers does not have to drive is considered as equivalent to half the time worked.

When the regulations limit hours of duty instead of or as well as hours of work, such coefficients can be used for calculating the wages due in respect of hours of attendance. Provisions of this kind are to be found, for instance, in *Brazil*, where periods of attendance are paid for at 75 per cent. of the wage rate fixed for work in the true sense. This point does not arise, however, in a study of hours of work.

The essential feature of periods of attendance is the absence of any occupational activity. It may be, however, that during these periods the worker is required to do other work than driving, and here it is necessary to distinguish carefully between such odd jobs and the subsidiary work strictly speaking, which is considered as actual work. Reference has already been made in the preceding section to *Swiss* legislation, which draws a distinction in this respect between tiring work and work which is not tiring, and treats the latter as hours of attendance.

Consideration will be given here only to regulations making special provision for periods of mere attendance. Such provision consists mainly in limiting hours of duty—a question that has already been investigated, so that what remains is to consider the provisions that deal specifically with hours of mere attendance. Such provisions are most usual when, not the hours of duty, but only the hours of work are fixed, the question is then one of the conditions under which normal hours are extended when work is intermittent.

#### 1 *Extensions granted owing to the Intermittent Nature of the Work*

In *Austria* under a collective agreement for the drivers of a motor-bus undertaking in Vienna, hours of work may be extended by 2 in the day to allow for breaks.

In *France* hours of work for all classes other than the travelling staff of passenger services are extended by 1 hour or 1½ hours a day. No grounds are given for the extension, but the explanation lies

in the intermittent nature of the drivers' work and the fact that they have to do subsidiary work

In *Germany* several collective rules provide that the permissible hours of work (8 in the day) may be extended to cover periods of mere attendance and also, as a rule, time spent on preparatory and complementary work. These extensions are for 2-3 hours a day. In the case of taxi drivers the extension is usually 4 hours (Central Germany, Westphalia, Bremen, Dusseldorf, Königsberg, Harburg-Wilhelmsburg). The reasons given, implicitly or explicitly, for these extensions are not only periods of attendance, but also subsidiary work and sometimes breaks.

In *Italy*, in public motor-bus services run by municipal authorities, waiting periods in excess of 45 minutes, are added to normal hours of work, but are taken into account in the calculation of hours of attendance, if the worker has to remain at the disposal of the undertaking.

In *Spain* (Guipúzcoa) the extension is fixed at 1 hour for the drivers of hired vehicles.

Sometimes, short waiting periods are treated as hours of work up to a given maximum, in the same way as the short breaks that are often assimilated to work. Thus in *Greece* waiting periods prior to work are included in hours of work unless they exceed 10 minutes. In the aggregate, however, these short breaks may not exceed 45 minutes a day in regular services and an hour a day in inter-urban services running motor-buses that carry more than 40 passengers.

## B Breaks

Some of the provisions concerning breaks have already been considered in the section dealing with uninterrupted driving time, where breaks were treated as a means of limiting uninterrupted driving. Reference was merely made to the maximum number of hours for which uninterrupted driving was allowed, but the organisation, length, and distribution of breaks were left for examination at this point.

### 1 Breaks not included in Hours of Work

In general, breaks are not included in hours of work or duty, such hours only including periods of work or attendance. Sometimes, however, breaks not exceeding a certain maximum length or during which the driver is not free to dispose of his time as he pleases, are assimilated to these periods. Occasionally, both these conditions



are laid down. Finally, in some cases, precise conditions of this kind are replaced by traditional terms, such as "crib time" (*casse-croûte*), for the short breaks that are included in hours of work.

The limits fixed by regulations may be considered either as maximum limits for the inclusion of breaks in hours of work, or as minimum limits for their exclusion. Since breaks are treated here as part of the span of the working day, the limits will be considered as minimum limits for the exclusion of breaks from hours of work.

In many countries breaks are excluded when they exceed half an hour and sometimes only when they exceed one hour. The purpose of such limitation is not to guarantee workers a minimum break, but to prevent employers from interrupting work by short breaks which would then be added to hours of work and would increase the span of the working day. Any interruption exceeding the minimum is no longer a break in the strict sense of the term, but is due to the need for organising duty in two or more non-continuous shifts.

It is therefore necessary in theory to distinguish between interruptions mainly intended to allow workers enough time for rest and refreshment and interruptions of work that are the outcome of the way in which the service is organised by the undertaking. The two problems are entirely different. In practice, however, it is impossible to distinguish between the two types of interruption, since those that are necessitated by the service nearly always coincide with breaks for rest and meals. It must be admitted that in some countries the organisation of non-continuous service by providing for long breaks is an important issue that is given detailed treatment in various collective agreements and arbitration awards. The purpose of the provisions is to ensure that the breaks fixed by the employer during which the worker is free will not be too short. Such short breaks would not afford the worker much opportunity for rest and would increase the span of the working day. The regulations therefore provide that any break not exceeding a certain minimum shall be considered as work. Clearly, however, the minima so fixed do not in practice correspond to the actual length of the interruptions, these often being shorter and therefore included in hours of work. In several *Australian* States, for instance, the breaks that are to be considered as work are fixed at 1 to 2 hours, though in fact they range from 15 minutes to one hour.

Apart from fixing a minimum for the exclusion of breaks from hours of work, the regulations sometimes limit the number of days during which the employer may organise work in non-continuous shifts. A provision of this kind is contained in the arbitration award applying to motor-bus drivers in *New Zealand*, where an employer may not work more than four broken shifts in every twelve, provided that six broken shifts may be worked in one week in cases in which workers change shifts in regular rotation.

Generally speaking, it may be admitted that where certain minimum limits have been fixed, interruptions exceeding these limits may strictly be considered as interruptions necessitated by the service. It would, however, be arbitrary to indicate a figure that would permit of distinguishing breaks from interruptions of service, and, subject to these reservations, all the minimum limits fixed for interruptions will therefore be dealt with under the same heading in this report.

(a) *Minimum periods and conditions stipulated for the exclusion of breaks from hours of work*

(i) *Minima usually adopted* — When regulated, the minimum limit is usually fixed at 30 minutes, breaks in excess of 30 minutes are usually excluded in the calculation of hours of work. The 30-minute minimum has been adopted in the following countries:

*Australia* (Western Australia), *France* (land transport, urban motor-bus services when hours of work are fixed at nine in the day), *Netherlands*, *New Zealand*.

In some countries, this minimum limit is subject to the driver's being able to leave the vehicle, rest and take refreshment.

In *Great Britain*, breaks are excluded if they exceed 30 minutes and if the driver is able to dispose of his time as he pleases.

On the other hand, in *Ireland*, *New Zealand* (taxis) and *Sweden*, breaks are excluded when either of these two conditions is fulfilled.

In other countries the minima may be shorter or longer.

(ii) *Shorter minima (15 to 20 minutes)* — Provision is made for shorter minima in *Switzerland* (15 minutes) and *Luxemburg* (20 minutes).

(iii) *Longer minima (1 to 2 hours)* — Longer minima have been fixed in the following countries for the exclusion of breaks from hours of work:

*Australia* (Queensland, 1 hour, Western Australia, 1½ hours, New South Wales, 1½ to 2 hours), *Greece* (1½ hours for motor-

bus drivers)<sup>1</sup>; *Netherlands* (2 hours)<sup>2</sup>, *New Zealand* (1 hour for motor-bus, motor-coach and taxi drivers), *Poland* (1 hour), *Portugal* (1½ hours) and *Spain* (Navarra, 1 hour)

(iv) *Conditions for the exclusion of breaks when there is no time limit* — In some countries breaks are excluded, irrespective of any time limit, from hours of work if the driver may leave the vehicle and is able to rest and take refreshment. Provisions of this kind are to be found in the following countries

*Argentina, Canada (Quebec), Ireland, Mexico, New Zealand, Sweden, U S S R, United States* (several States)

(b) *Exclusion of breaks when no other conditions are stipulated*

When the conditions considered under (a) are fulfilled, breaks are excluded from hours of work. Breaks are always excluded, irrespective of duration or of any other circumstances, in the following countries

*Austria, Belgium, Czechoslovakia, Brazil, Estonia, Germany<sup>3</sup>, Italy, Uruguay*

## 2 *Length of Breaks*

Breaks may be limited by regulation in three different ways, the stipulation of minimum, maximum or fixed periods. These three methods will be considered separately. The times indicated are the aggregate times of all breaks when there is more than one break in the day

(a) *Minimum length of breaks*

The minimum length of breaks is usually fixed at 30 minutes or one hour. The 30-minute limit is the same as the minimum limit usually fixed for the inclusion of breaks in hours of work. As has been explained, breaks that do not exceed 30 minutes are often treated as work, though sometimes only subject to certain conditions. Minimum breaks exceeding 30 minutes should be considered with reference to the comments made above concerning the exclusion of breaks from hours of work (1(a))

(i) *Minimum of 30 minutes* — A minimum length of 30 minutes has been fixed in the following countries: *Australia* (legal pro-

<sup>1</sup> If the driver may leave the vehicle

<sup>2</sup> If the rest period is taken elsewhere than at the home station—that is, the garage or depot where duty usually begins

<sup>3</sup> Except in certain occupations, such as that of taxi-drivers, whose breaks are covered by permanent extensions. Cf. "Spread of the Working Day"

visions), *Czechoslovakia* (drivers of private vehicles), *Estonia*; *Germany* (most of the collective rules for industrial undertakings), *Great Britain*<sup>1</sup>, *Norway* (collective agreements), *U S S R*

(ii) *Minimum of one hour* — *Australia* (usually up to one hour in goods transport), *Canada* (Alberta), *New Zealand* (motor-bus drivers), *Portugal*, *Switzerland*<sup>2</sup>, *Uruguay*

(iii) *Longer minima (1½ to 5 hours)* — *Austria* 1½ hours (all classes of professional drivers) and 2½ hours (taxi drivers in Vienna); *Brazil*, 45 minutes to 2 hours, *United States*, 3 hours (18 States), 2 hours (two States), and 4 hours (one State)

A special case is the regulation of breaks for long-distance goods transport in *Germany*. The span of the working day may be as much as 24 hours when there are two drivers on the vehicle, and the length of the breaks varies according to the length of the actual duty. If the duty exceeds 8, 12 or 18 hours, or lasts as much as 24 hours, the breaks last 1, 2, 3 or 5 hours respectively.

(iv) *Shorter minima (10 to 20 minutes)* — These short breaks are always included in hours of work. In certain cases the length of the break is not specified, but the regulations mention the necessary "crib time" or the time required for taking refreshment.

*Australia*, usually 20 minutes (arbitration awards applying to motor-bus drivers), *Czechoslovakia*, 10 to 15 minutes, *Germany* (some collective rules applying to drivers employed in industrial undertakings, *Luxemburg*, 20 minutes if work lasts 8 hours (collective agreements for municipal undertakings in the town of *Luxemburg*), *Switzerland*, 15 minutes provided the duty does not exceed 8 hours and the driver is able to take refreshment.

#### (b) *Maximum periods for breaks*

Maximum periods are sometimes fixed by breaks so as to limit the spread of the working day. These maxima usually relate to the aggregate time allowed for breaks if workers have more than one break in the day.

When a maximum is fixed, interruptions in excess of the maximum are treated as hours of work. Thus, when a minimum limit for the exclusion of breaks from working hours and a maximum aggregate period have been fixed, interruptions due to the orga-

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<sup>1</sup> The break to be given at some place where the driver may rest and take refreshment

<sup>2</sup> To be taken at home, if possible

nisation of service in non-continuous shifts are subject to these minimum and maximum limits

The maximum limits usually range from  $1\frac{1}{2}$  hours to 3 hours according to country and occupation. In a few extreme cases each break may last 45 minutes and all breaks together, 4 hours

(i) *Maximum of  $1\frac{1}{2}$  hours* — This maximum limit has been fixed by collective agreement in *Estonia*, *Great Britain* (1 hour,  $1\frac{1}{4}$ ,  $1\frac{1}{2}$  hours for each pause, according to local custom, in goods transport services attached to railway companies), *Norway* (motor coaches in Oslo), and *Uruguay* (night duty only) .

(ii) *Maximum of 2 hours* — *Germany* (removal undertakings in Berlin), *Great Britain* (some collective agreements, for rest periods taken away from home), *U S S R*

(iii) *Maximum of 3 hours* — *Brazil* (passenger services), *Germany* (several collective rules for industry), *New Zealand* (passenger services, if the breaks occur away from home), *Northern Ireland* (passenger services)

In some cases a maximum is fixed for each break. The maximum is 45 minutes in *Great Britain* (passenger services in the London area if the span of the working day exceeds  $9\frac{1}{2}$  hours)

In *Great Britain*, too (goods transport services run by railway companies) an aggregate maximum of 4 hours has been fixed for all breaks in the case of spreadover duty

### (c) *Fixed breaks*

The exact length of the break is sometimes fixed by law, and more often, in collective agreements. The periods range from 1 to 2 hours. Examples of such regulation are to be found in

*Canada*, 1 hour (Alberta), *Denmark*, 2 hours (collective agreements), *Italy*, 1 hour,  $1\frac{1}{2}$  hours, and 2 hours (collective agreements), *Spain*, 2 hours (collective agreements), *Sweden*, 1 hour or  $1\frac{1}{2}$  hours (collective agreements)

## 3 *Number of Breaks*

The organisation of breaks and interruptions of service includes, in addition to the points already considered, the fixing of the minimum and maximum number of breaks and of the hours at which the breaks shall be allowed. This last question is closely connected with the regulation of uninterrupted driving time, a point that was considered in § 3 of this chapter

Sometimes the number of breaks is regulated in addition to their length, the reasons being not only social (to secure sufficient opportunities for rest and meals) but also to allow for organisation of the service in non-continuous shifts. Provisions as to the number of breaks are, however, much less common than those as to length. It would appear that the distribution of the total number of breaks over the hours of the day is usually left to be worked out in practice.

The absence of any such regulations may, however, make for a considerable extension of the spread of the working day. For instance, drivers of motor water-carts run by a municipal authority in *Poland* used to start work at 7 a.m., they broke off at 9.30 for two hours, and returned to duty at 11.30, there was a second break of three hours between 2.30 and 5.30 p.m., and work ended at 7.30 p.m. Thus the working day was spread over 12½ hours, but the drivers were only paid for 7½ hours work, the 5 hours during which work was interrupted not being considered as hours of work.

One, two or three breaks or other interruptions may be allowed in the course of a day. Sometimes only one supplementary break is allowed, if work begins before what is considered as the normal hour for beginning work, e.g. in *Australia* (South Australia, 7 a.m.)

One break is allowed in *Australia* (Queensland) and in *Brazil*.

The number of breaks is fixed at two in *South Australia*, and in certain collective agreements in *Denmark*, *Norway* and *Sweden*.

Provision is made for three breaks in collective agreements concluded in *Sweden*.

## § 6 — Shift Work

The need to organise work in shifts arises in the case of undertakings working continuously or for longer daily periods than the individual worker is permitted to work. The undertaking may have to work day and night, with a pause on Sunday or other weekly rest day, or to work continuously throughout all seven days of the week.

In the first case, the chief problem as regards organisation is to arrange the day and night shifts in such a way as to distribute day and night work equitably among the whole body of workers.

In the case of work which continues throughout the whole week, the problem is complicated by the necessity of distributing fairly, not only day and night work, but also Sunday work.

A third form of the problem is found when the undertaking

works on all seven days of the week, but with interruptions at night. In this case, the problem is merely one of organising a system of rotation which permits all the workers in succession to have Sundays as their free day.

The work of the various classes of drivers in road transport is frequently organised on one or other of these systems of continuous work. Generally speaking, road transport cannot be counted among the industries whose character necessitates continuous work, and many countries which have for that reason authorised working in shifts in various industries have not included road transport among them. But there are exceptions. Taxi-cab undertakings must provide continuous day and night service, and the same applies to motor bus services in some large towns. It appears also that certain countries, where the large railway companies have organised goods transport services by road, permit continuous day and night work for drivers employed in such services, in view of the fact that they are sometimes treated on the same footing as the other employees of the company, whose work is organised in shifts (*Belgium*).

Further, an enquiry carried out in the *United States* by the Interstate Commerce Commission has shown that certain kinds of goods transport necessitate continuous work. This is the case, for instance, with the transport of perishable goods, for even when the trucks are provided with refrigerating apparatus, the circulation of the refrigerating solution depends on the running of the engine. Another example of the need for continuous work is that of the transport of cattle by road, experience has shown that animals remain quiet as long as the lorry is in motion but that they become restless and are likely to be injured by trampling when it stops. Finally, continuous operation is frequent in the long-distance transport of furniture, although it must be said that here the necessity for continuity is less obvious than in the preceding cases.

Apart from these exceptions, which are limited to a few countries, the transport of goods does not require continuous operation but can be effected during daytime on ordinary working days.

Certain classes of road transport workers employed in industrial, commercial and other undertakings work under the same conditions as the other workers of the undertaking. This applies, for instance, to deliverymen employed in commercial establishments and to lorry-drivers employed by industrial undertakings.

In passenger transport services and in certain types of goods transport the organisation of the work in shifts is necessary for

two reasons in the first place, Sunday work, when this is necessary, must be distributed fairly among the workers, and in the second place, when the work of the undertaking is carried on over longer periods than the maximum hours fixed for the individual worker's employment, the workers must be relieved after a certain number of hours' work. In the second case, as in the first, the undertaking must aim at distributing early morning, day, and night work equally among the workers.

Certain regulations authorise shift work in passenger transport only. This is the case, for instance, with the collective agreements for *Great Britain*, where organisation in shifts is admitted very widely in all kinds of passenger transport services, but forbidden in goods transport, and with the *Portuguese Decree* concerning urban passenger services.

Wherever the work is organised in shifts, and particularly when it continues uninterruptedly day and night (as in the case of taxis) the changing over of the shifts involves an extension of ordinary hours or a reduction of the daily rest period. For in an undertaking working continuously, the day shift can be transferred to night duty without interrupting the work by one of three methods: either it must, on the day of the change-over, do night duty as well as day duty, thus giving the night shift a whole day's rest, or it must itself take a free day, its final day duty being done by the night shift, or a combination of the two systems may be used, the extra work being divided between the two shifts. Each of these solutions involves an extension of ordinary hours, which must subsequently be compensated by a rest period. But the change-over of the shifts may necessitate an extension of hours of work or a reduction of the rest period even when the work is not organised continuously. An extension of hours is always involved when there are only two shifts altogether, while a reduction of the daily rest period may occur if the work is divided among three shifts.

The problem is therefore one of authorising the undertaking to extend hours of work or reduce the daily rest period on the occasion of the change-over of shifts. This authorisation is given implicitly when it is permitted to calculate hours of work as an average over more or less extended periods. Regulations which do not authorise such calculation sometimes permit extensions of hours or reductions of daily rest periods in exceptional cases.

The problem of Sunday employment in the case of a service which is run on all seven days of the week is examined in chapter V of the present report (weekly rest).



The following, therefore, are the points dealt with by national regulations for the organisation of work in shifts the rotation period, extensions of hours of work and reductions of the daily rest period, the relieving of drivers after a specified number of hours spent at the wheel or of miles covered

## I THE ROTATION PERIOD

The organisation of work in shifts in road transport sometimes involves the fixing of maximum periods for the rotation of the shifts In cases in which all the workers have to be placed successively in the same position as regards Sunday work and work at different times of the day and night, the periods are often so arranged as to allow each worker in the undertaking to pass successively through the various shifts Sometimes these maximum periods are laid down in regulations

Certain regulations make the changing over of shifts compulsory, and sometimes detailed provisions are made for the organisation of the rotation Sometimes the obligation to change the shifts is conditional upon the presence of two drivers on the vehicle, e g in *Germany* (taxi drivers at Harburg-Wilhelmsburg) and *Sweden* (taxi drivers) In other cases, collective agreements provide that the employer must inform those concerned of changes in the time-table, giving them due notice, e g *Denmark*, 4 days' notice (taxi drivers of Copenhagen), *Norway*, 6 days (motor-coach drivers) and 8 days (taxi drivers) In *Great Britain*, the National Joint Board has recommended that in urban passenger transport regular changes in time-tables should be announced at least 10 days in advance, 6 days in advance when reasons connected with the public interest make the giving of 10 days' notice impossible, and 2 days in the case of a change-over necessitated by unforeseen events

Finally, certain regulations stipulate that shifts shall be changed so far as possible (*New Zealand* collective agreements)

### A Length of Rotation Period

The length of the rotation period varies considerably, being fixed sometimes directly by the regulations and sometimes implicitly through the fixing of the period over which average hours of work may be calculated The most usual lengths are one and three weeks

(a) *Period of Three Weeks*

In industrial undertakings working continuously, the rotation period is usually three weeks when the hours of work are 8 per day. Since continuous work is exceptional in road transport, the rotation period of three weeks is not necessitated by technical considerations, but it is nevertheless frequently adopted. In *Argentina, Austria, Belgium* and *Sweden* it is imposed indirectly in the form of a maximum period for the averaging of hours of work <sup>1</sup>

(b) *Period of One Week*

A rotation period of one week is frequently laid down for taxi drivers, whose work does not permit of interruption. It is also found in certain regulations concerning passenger transport.

*Australia* (Western Australia, motor buses), *Denmark* (Copenhagen, taxi-cabs), *Germany* (Harburg-Wilhelmsburg, taxis), *Great Britain* (London, passenger transport), *Italy* (motor-bus services run by municipal authorities), *Netherlands* (night work is authorised on six nights in every consecutive period of two weeks), *Switzerland* (transport undertakings working under Federal licence, and postal, telegraph and telephone services, night work is not permitted on more than seven consecutive nights or for more than fourteen times in every period of four weeks)

(c) *Shorter Periods*

In *Switzerland* the Order relating to professional drivers of motor vehicles stipulates that when the work is organised in shifts the rotation period must not be longer than two weeks, or one day (in principle) in the case of undertakings working irregularly.

(d) *Longer Periods and Indeterminate Periods*

Finally, in certain countries, considerably longer rotation periods have been fixed, while in some cases their length has been left undetermined.

(1) *Period of three months* — This is provided in *Belgium* (drivers employed in the goods services of the Belgian National Railways) and in *Poland* (motor buses run by the autonomous local authorities of the district of Warsaw)

(11) *Unlimited periods* — In *France*, the decree relating to urban passenger transport (not including Paris and district) provides that

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<sup>1</sup> Although it is theoretically possible that the rotation period may not coincide with the period fixed for the averaging of hours, the two periods do as a rule coincide in practice.

there must be rotation periods permitting all workers to pass through all the various shifts, but does not fix the length of these periods

## B *Extension of Hours of Work and Reduction of Daily Rest Period*

The need to extend hours of work or reduce the daily rest period when changing over shifts arises, as already explained, whether the work is continuous or not

### 1 *Extensions of Normal Hours of Work*

#### (a) *Averaging of hours*

Extensions of normal hours of work are authorised implicitly in cases in which the regulations permit hours to be averaged over a certain period, and it has been shown in the preceding paragraphs that such averaging is very common in road transport. In certain countries, special provisions relating to this method of calculation regulate the organisation of shift work. The most usual period for the calculation of the average is three weeks, though both shorter and longer periods are to be found

(i) *Average calculated over three weeks* — The period of three weeks has been adopted in the following countries. *Argentina* 144 hours in 18 days, with a weekly maximum of 56 hours (passenger transport services other than motor-bus services), and a maximum of 8½ hours (motor-bus services), average 8 hours per day and 48 hours per week. *Austria* 168 hours in 3 weeks, average 56 hours per week (general provisions), 168 hours in 3 weeks, average 48 hours per week (forwarding houses). *Belgium* A maximum of 10 hours per day, average 8 hours per day and 48 hours per week. *Sweden* A maximum of 144 hours in 3 weeks, average 8 hours per day

(ii) *Average calculated over two weeks* — *Italy*, average 8 hours per day and 48 hours per week (motor buses)

Except when it is expressly prohibited by the law, in all the other cases of averaging analysed in § 3 and 4 of this chapter the rotation of shifts is organised according to methods provided for each separate case

#### (b) *Extension by other methods*

In certain cases, extensions of hours of work are allowed without any averaging of hours, when required for the purpose of changing over shifts

In *Australia* (Western Australia and New South Wales) such extensions have been authorised by arbitration awards for motor-bus services, maximum hours per day being raised to 10 or 12, and 14 in case of emergency, or on Sundays and holidays

In *New Zealand* (motor-bus undertakings) the extensions do not apply to hours of work but to the span of the working day, motor-bus undertakings are authorised, when changing over shifts, to work six broken shifts weekly (involving a longer span for the working day) instead of the four shifts permitted normally

## 2 *Reduction of the Daily Rest Period*

Sometimes the regulations expressly authorise the reduction of the daily rest period in connection with the change-over of shifts

In *Great Britain* (London motor-bus services) a reduction from 12 to 8 hours is authorised and it is stipulated that the change-over must take place between Saturday and Monday

In the *Union of South Africa* (collective agreement on passenger transport) the daily rest period may be reduced from 8 to 6 hours

Other regulations limit the number of nights which may be worked in connection with the change-over of shifts

In *Argentina* (urban motor-bus services) the work of night shifts is not considered as night work as long as the shifts work also by day or on day schedules in the proportion of one period of night work to two working days or equivalent periods

In *Denmark* a collective agreement concerning taxi-cab undertakings in Copenhagen lays down that each worker must be given the same amount of day and night duty but authorises, as an exceptional measure and only for the purpose of changing over shifts, the working of periods of four days and six nights

## C *The Relieving of Drivers*

In dealing with work organised in shifts, the regulations sometimes contain provisions on the relieving of drivers. The conditions prescribed are closely connected with the maxima laid down for driving time and more particularly for total driving time

In the regular passenger transport services of *Spain* drivers must be relieved after 8 hours' driving or 400 kilometres covered. This provision is considered to have been observed if there are two drivers on the vehicle. In *Barcelona* drivers employed on irregular motor-bus services must be relieved after every 300 kilometres

In the *United States* driving time is frequently limited in rural passenger transport to a period which varies between 7 and 9 hours

In the State of *Ohio* the limit for continuous duty is 300 miles per day and 1,500 miles per week

In the case of long runs, special arrangement have to be made to afford drivers the necessary rest. When the span of the working day does not exceed 24 hours, it generally suffices to organise rest periods to be observed within this time. In *Germany*, for instance, drivers employed on long-distance goods transport must take rest periods varying from 1 to 5 hours (according to the length of the shift) in every period of 24 hours.

It sometimes happens, however, that the journeys involved in goods transport, either within a single country or extending over several countries, last days or even weeks. The solution of the problem of the driver's daily rest may here be found in the organisation of relay stations where the drivers can pass the night, or use may be made of the method adopted in the *United States*, where some of the vehicles performing long runs are equipped with sleeper cabs. An enquiry carried out by the Interstate Commerce Commission has shown that a considerable number of trucks are provided with sleeper cabs. As a rule, there are two drivers in charge, one of whom rests while the other drives. They relieve one another, usually, every four or five hours. The modern sleeper cab, which is sufficiently long and well ventilated and provided with a bed, pillows and blankets, was considered by the Commission to offer the drivers sufficient opportunity for sleep on runs requiring continuous driving. On many vehicles, however, the sleeper cabs are wholly inadequate.

As a result of the enquiry carried out by the Commission, a provision was included in the Federal Motor Carriers' Safety Regulations stipulating that time passed by a driver in a well-equipped sleeper cab was not to be included in his hours of duty but in his rest period. This provision has made it possible to organise services in which the drivers remain several weeks away from home, living on the vehicle. Such long runs are necessary when it is found difficult to secure a load for the return journey of the truck to its place of departure. The practice was severely criticised, however, in the course of the discussion which took place in connection with the Commission's enquiry.

In the State of *Wisconsin* the Public Service Commission refused to exclude time spent by a driver in the sleeper cab from his hours of duty, pointing out that if a driver can be compelled to take his rest periods intermittently in this way, he may be called upon to spend an indefinite time on the lorry. The Commission admitted that the

sleeper-cab system might be necessary in certain sparsely populated States in the West, but considered that it ought to be prohibited in districts where heavy traffic and other conditions rendered it hardly probable that time spent in the cab would afford real rest to the driver

It appears that even in certain European States a few lorries working on long runs have been equipped in such a way as to permit their drivers to lie down while they are not driving. In these cases, however, the accommodation offered consists not of a sleeper cab but of a kind of hammock, so that rest taken on the vehicle cannot for a moment be considered as equivalent to normal daily rest

### § 7 — Making up Lost Time

The making up of lost time occupies, in hours of work regulations, a position midway between measures for rendering normal hours of work more elastic and those permitting their extension. The purpose of making up lost time is to ensure to the undertaking the actual working of the number of hours to which it is entitled by the regulations. When, for one reason or another, hours of work are lost, the employer may have difficulty in carrying out the programme of work which he had prepared for his undertaking. He is therefore authorised, in some cases, to extend the working day in order to recover the lost hours. From the point of view of the employer, such a system introduces a measure of elasticity in the limits which he has to observe. Extensions of hours of work effected in order to make up lost time can never entail an overstepping of the legal hours of work calculated as an average over a certain period, though they do, of course, involve extensions of daily and sometimes weekly hours of work. Such extension thus resembles, up to a point, the calculation of hours as an average over a certain period, and the identity is complete when the making up of lost time is authorised irrespective of the cause of its loss, for this amounts, even when the expression "making up of lost time" is used in the regulations, not to the making up of lost time but to the averaging of hours over a period in which hours of work are unevenly distributed <sup>1</sup>

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<sup>1</sup> This, is the case for instance, in *Germany*, where the Order of 26 July 1934 lays down that time lost on working days either by a whole undertaking or by one of its departments may be made up by the working of extra time on other working days of the same week or the following week

From the point of view of the worker, however, the situation presents itself in a somewhat different light. While the problem is a purely economic one for the employer, it constitutes for the worker a question affecting his daily effort, and the overstepping of the daily hours, even if the weekly maximum is not exceeded, is to him equivalent to an extension of the normal hours of work. The legal authorisation, for instance, of the making up of time lost as a result of accidental causes, resembles, to the worker, the authorisation of extensions of hours as a result of accidental causes—i.e. extensions (weekly or other) in the usual sense of the word. The worker further considers that the making up of time lost as a result of legal holidays is a negation of the principle of the extra rest which it is the purpose of such holidays to give him in the course of the year. Thus, although he may agree to the making up of lost hours or days in so far as the receipt of his ordinary weekly wages is dependent on it, the worker is frequently hostile to the principle of making up lost time, which to him is the same thing as an extension of normal hours of work. In the case of road transport, considerations of road safety may also be advanced against measures tending to prolong daily hours of work and hence to lead to the overworking of professional drivers. Both these points have to be taken account of in an analysis of national regulations relating to the making up of lost time. It is considered illegitimate to treat the making up of lost time simply as a form of extension of normal hours, since, in the first place, normal hours calculated as an average over the week or some longer period are not exceeded, while in the second place, the typical form of regulation in transport—more perhaps than in other industries—is precisely the averaging of hours over these longer periods.

To sum up, it may be said that the making up of lost time differs from the extension of normal hours principally in that it is kept within the bounds of the total number of hours allowed for the week or whatever longer period is taken, and from the averaging of hours in that it is limited to strictly determined cases, which will be examined later in this report.

## I THE MAKING UP OF LOST TIME IN RELATION TO HOURS OF WORK

The making up of lost time may be provided for as part of a rigid system of regulation of hours of work, in which case it is

the sole factor making for elasticity in the system, or as part of a more flexible system which permits the calculation of hours as an average over more or less extended periods. There are, however, both rigid and flexible systems of regulation which do not provide for the making up of lost time, so that there seems to be no direct relation between the rigidity or flexibility of the regulations, on the one hand, and the authorisation to make up lost time, on the other. Examples are given below of regulations concerning the making up of lost time in relation to the hours of work schemes upon which they are based.

### A *Regulations providing for making up Lost Time*

#### 1 *Rigid Regulation of Hours of Work*

For the purpose of the present analysis, the term "rigid" is used to cover systems of regulation of hours which lay down a daily limit, a weekly limit, or both, the maximum period for the averaging of hours being thus one week.

*Brazil — Hours of work* The hours of service of urban motor-bus drivers are 48 per week and 8 per day, this latter limit may be raised to 10 hours at the most.

*Making up lost time* The regulations authorise the making up of time lost owing to a cause for which the employer is not responsible, in case of *force majeure* or accident.

#### 2 *Flexible Regulation of Hours of Work*

*France — Hours of work* The various Decrees which introduced the 40-hour week in road transport permit the averaging of hours over periods of up to a year, on condition that average weekly hours do not exceed 40. Daily and weekly limits are also laid down, being fixed at 9 and 10 hours per day (land transport), 45 hours per week (urban motor buses other than those of the Paris district) and from  $8\frac{1}{4}$  to  $8\frac{3}{4}$  hours per day (passenger transport services of the Paris district).

*Making up lost time* All three Decrees permit the making up of time lost as the result of accidents or *force majeure*. Further, the Decrees relating to land transport and motor-bus undertakings other than those of the Paris district authorise, in certain cases, the making up of time lost as the result of legal and local holidays falling on working days of the week.



B *Regulations not providing for the Making up of Lost Time*

1 *Rigid Regulation of Hours of Work*

*United States — Hours of work* Daily hours of work (including overtime) are fixed at 12 by Federal regulation. A number of collective agreements lay down normal hours of 8 per day, this limit being sometimes combined with a weekly limit of 48 hours.

*Making up of lost time* No provision

2 *Flexible Regulation of Hours of Work*

*Poland — Hours of work* Hours may be calculated as an average over a period of 13 weeks, but a weekly maximum of 10 hours per day must be observed.

*Making up of lost time* No provision

## II GROUNDS FOR MAKING UP LOST TIME

Of most branches of economic activity it may be said that the making up of lost time is usually authorised for one of the three following causes: (1) the slack season, (2) public holidays falling on working days of the week, (3) accidental events (*force majeure*, accidents, or other events independent of the will of the employer). The first of these causes of lost time, the slack season, occupies an important place in seasonal industries, where it leads frequently to the laying down of regular hours of work considerably longer in the busy period than during the rest of the year, in order to compensate for the suspension or slowing down of work during the slack season. Save in a few exceptional cases, however, road transport is not a seasonal activity, and this ground for making up lost time is seldom found in the regulations on the subject for that industry. The other two grounds, however, are sometimes given as reasons for the authorisation of the making up of lost time.

A *Making up of Time lost as a Result of Accidental Causes*

The following national regulations authorise the making up of time lost as a result of accidental causes.

*Australia (South Australia)* Interruptions of service due to accidents, fire or the decisions of State, military, municipal or police authorities, *Brazil* Interruptions of service for which the employer is not responsible and due to accidental events or *force*

*majeure*, *Estonia* Events for which the employer is not responsible, *France* All four Decrees applying the 48-hour week to road transport authorise the making up of time lost as a result of accidental causes or *force majeure*, specifying as examples of such causes accidents to the property of the undertaking, interruptions of electric current, and acts of God, *Spain* Cases of *force majeure*

B *Making up of Time lost as the Result of Public Holidays falling on a Working Day of the Week*

The regulations of the following countries authorise the making up of time lost as the result of public holidays falling on a working day of the week

*Australia* (New South Wales Arbitration award relating to motor-bus undertakings), *Austria* legal holidays, *France* legal holidays (land transport undertakings, urban motor-bus services other than those of the Paris district, funeral undertakings), local holidays and other local events (land transport undertakings, funeral undertakings), *Spain* holidays other than Sundays

III TIME-LIMITS

Usually, the regulations fix a time-limit after the expiry of which lost time may not be made up. This time-limit varies between a week and a year

A *Time-Limits of 1-2 Weeks*

Time-limits of this length have been laid down in the following countries. *Australia* (New South Wales), public holidays may be made up in the course of the same week, *Austria*, legal holidays, in the two weeks preceding or following the holiday, *France*, time lost for accidental causes, within fifteen days after the resumption of work, in the case of interruptions not exceeding one day (all road transport except passenger services of the Paris district)

B *Time-Limits of One Year, and Unlimited Authorisation*

*Australia* (South Australia) for accidental causes, *Estonia*, for accidental causes (no time-limit), *Spain*, for public holidays and accidental causes, in the course of the same year

In *France* the time-limits for the making up of time lost as a result of public holidays are fixed by agreement between the

employer and the workers or, failing agreement, by the supervisory authority. The same applies to the making up of time lost as a result of accidental causes in the Paris and district passenger transport services. The other Decrees (land transport undertakings, urban passenger transport undertakings, and funeral undertakings) provide that the lost time may be made up within a period of fifteen days if the stoppage does not exceed one week, in the case of stoppages of over one week, the period for making up the lost time can only be extended by the written authorisation of the labour inspection service, after consultation with the employers' and workers' organisations concerned.

#### IV EXTENSION OF HOURS OF WORK

Certain regulations lay down limits for the extension of daily or weekly hours of work in the case of the making up of lost time, subject to observance of the average fixed by the regulations. The limits may be set either in the form of daily or weekly maxima or as the number of hours which may be added to the normal daily hours.

##### A *Weekly and Daily Limits*

###### 1 *Weekly Limits*

In *Australia* (New South Wales), when a public holiday falls on a week day, the weekly hours (consisting of 44 hours for the normal 6-day week) may not exceed 40 for the five remaining days.

In *Spain* weekly hours of work may not exceed 52 when time lost owing to public holidays is made up.

###### 2 *Daily Limits*

In *Austria* (making up of time lost through public holidays) and *Brazil* (making up of time lost as a result of accidental causes) the maximum hours of work per day are fixed at 10<sup>1</sup>.

##### B *Hours added to Normal Hours*

When the maximum is fixed in this way, the number of additional hours is always one per day. This method has been adopted by *Estonia*, *France* and *Spain*.

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<sup>1</sup> In *Austria*, normal hours of work are 96 per fortnight, in *Brazil*, they are 48 per week and 8 per day, the raising of the latter limit to 10 being permitted in certain cases.

## V SAFEGUARDS AND PROCEDURE

In certain countries, special safeguards have been provided against abuses of the right to make up lost time. These safeguards may consist of provisions permitting lost time to be made up only in the case of collective stoppages of work, or of a special procedure to be followed in the authorisation of the making up of lost time.

### A *Collective and Individual Stoppages of Work*

This distinction does not arise in the case of the making up of time lost as the result of public holidays, since such holidays are always observed collectively by all the workers of an undertaking.

In the case of stoppages due to accidental causes, the regulations of only two countries—*Estonia* and *France*—stipulate that the stoppage must be collective if the time lost is to be made up. In all other countries, it appears that time lost as a result of individual stoppages of work can also be made up.

### B *Procedure*

A special procedure to be followed in the authorisation and supervision of the making up of lost time is sometimes provided for in the case of stoppages due to accidental causes.

In *Estonia* the employer must notify the competent labour inspector immediately whenever he considers that it will be necessary to make up lost time.

In *France* the written authorisation of the labour inspector or the supervisory authority, which can only be given after consultation with the organisations of employers and workers concerned, is required if the period for making up lost time is extended beyond 50 days.

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## CHAPTER IV

### EXTENSION OF NORMAL HOURS OF WORK

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The road safety regulations of several countries fix maximum hours of work which include both normal hours and overtime, and in many countries subsidiary work and intermittent work are taken into account in the calculation of hours of work and of duty, but most States provide for the extension of hours of work in certain cases, and this part of the Report will be devoted to a study of the various reasons for which extensions are authorised

The extensions are fixed by law or else by arbitration awards, collective agreements, or the decisions of joint bodies representing employers and workers. If they are fixed by law, the procedure to be followed when it is desired to extend hours of work is also prescribed and varies according to the nature of the case. Under arbitration awards, collective agreements and decisions of joint bodies the employer is automatically entitled to make use of the permitted extensions, for whatever reason.

Authorisation to extend hours is in many cases granted only if there is a shortage of labour.

The length of the extension is usually limited to the strict minimum. In the case of extensions necessitated by economic factors, however, the regulations fix a maximum quota of overtime, the distribution of which varies according as the normal hours of work are determined on a daily, weekly or other basis. Some regulations, on the other hand, permit extensions without laying down any limit.

Since the extension of hours of work entails a loss of rest for the workers, compensation is generally provided, sometimes in the form of rest periods, but more usually in the form of an increase in the rate of remuneration.

Finally, the national regulations provide for the possibility of suspending the legal provisions governing hours of work in the case of events endangering the national security.

The following aspects of the question of extensions are considered below

- 1 Types of extension permitted,
- 2 Procedure,
- 3 Conditions on which extensions are permitted,
- 4 Length of extensions,
- 5 Remuneration,
- 6 Compensatory rest periods,
- 7 Suspension of the regulations

### § 1 — Types of Extension permitted

As has already been explained, often the travelling staff of vehicles regularly performs work which is subsidiary to driving itself certain formalities have to be gone through before and after the journey, the vehicle or the horses—or both—have to be attended to, goods have to be loaded and unloaded This work may, in part, be regarded as preparatory and complementary work, for which the regulations covering the industry generally permit hours of work to be extended, but it is also an integral part of the work of travelling staff, and for this reason the regulations usually include the time spent on it with hours of work or driving time (cf Chapter III)

Further, the working day involves periods of waiting, during which the worker, while remaining at the disposal of the employer, is not actually working Usually, the regulations do not permit hours to be extended as a means of making up for pauses of this kind, but consider periods of mere attendance or otherwise not worked (owing to interruptions in the service, waiting, standing-by, incidental driving) as part of the hours of duty (cf Chapter III)

In some cases, however, the regulations permit the extension of hours in view of the special nature of the work of drivers

Apart from such extensions, the national regulations provide for the working of additional hours in a variety of circumstances Usually, the reasons for which an extension may be permitted are stated explicitly Sometimes, however, the regulations name only a few of the more typical cases and permit, in greater or less measure, the working of overtime as need arises Sometimes again, overtime is authorised implicitly by the fixing of overtime rates The two last-named types of extension (extension on unspecified

grounds) correspond as a rule to certain of the types provided for in detail in other regulations. There is thus no close relation between the grounds for extensions admitted by the various national systems of regulation.

The different types of extension provided for travelling staff are as follows

- I Extensions on account of the nature of the work,
- II Extensions on account of accidental circumstances,
- III Extensions for the transport of perishable goods,
- IV Extensions for exceptional pressure of work,
- V Extensions on account of a shortage of labour,
- VI Extensions for general causes,
- VII Extensions permitted implicitly by the stipulation of increased rates of remuneration,
- VIII Extensions for reasons of public interest or national defence

The grounds on which extension is authorised are not formulated in the same way for professional drivers as for industrial workers in general. The Regulations relating to the former frequently contain special clauses dealing with the particular conditions of road transport, and have here been selected for analysis in the first place.

## I EXTENSIONS ON ACCOUNT OF THE NATURE OF THE WORK

As has been noted several times in the pages of this Report, the work of the travelling staff is peculiar in that it involves not only driving, but also the regular execution of subsidiary work, and sometimes the mere being in attendance and available without actually performing any work at all.

There are three possible solutions for the problem involved. The first consists in placing certain kinds of work outside the scope of the provisions regulating hours, the second in including subsidiary work in driving time or hours of work, and periods of mere attendance or standing-by in hours of duty, and the third in authorising overtime. The first two of these solutions were examined in Chapters II and III of this Report, the third, which it is intended to discuss here, is that adopted in the following countries for the occupations or undertakings mentioned.

*Austria.* Drivers of motor and horse-drawn vehicles employed by transport undertakings and industrial and commercial establish-

ments in general, drivers of private cars, staff of furniture removal undertakings

*Belgium* Taxi-cab undertakings, delivery undertakings, cartage and haulage undertakings

*Czechoslovakia* Drivers whose hours of actual work do not exceed 6 per day

*Greece* Lorrymen, motor-bus staff working on services which continue after midnight

*Spain* drivers of carriages, motor vehicles, hired vehicles, cartage

The *German* Order on hours of work permits extension in the case of work which would suffer from interruption. The *Swedish* Act on the same subject authorises overtime for work involving but little effort. The Labour Code of the *U S S R* provides that overtime may be worked in cases of absolute necessity to complete a piece of work which has already been begun and which cannot, for technical reasons, be completed within the normal hours.

## II EXTENSIONS ON ACCOUNT OF ACCIDENTAL CIRCUMSTANCES

Extensions of this type are authorised in order to cope with urgent and exceptional circumstances for which the persons concerned are not responsible, and whose harmful effects cannot be avoided by other means. These include accidents of every kind, unforeseen delays, and the unforeseen absence of staff.

### (a) *Accidents*

The regulations specify three cases in which hours of work may be extended

- (i) Accidents in the strict sense of the word break-downs and collisions on the road,
- (ii) Irregularities in the service due to *force majeure* landslides, floods, bad weather, etc ,
- (iii) Calamities such as earthquakes, fire, drought, etc (for organising rescue and salvage work)

Workers of all classes may have to work additional hours on account of accidents or their prevention, and most regulations relating to the whole of industry contain provisions on this point. The extensions required in order to set transport services working again after interruptions are provided for by the regulations concerning professional drivers, particularly those employed by municipal motor transport services.



In *Italy* and *New Zealand* the regulations authorise the extension of the hours of work of drivers of municipal vehicles in urgent and exceptional circumstances, and specify as examples of such circumstances bad weather, fires, floods, etc. The purpose of the extensions is to facilitate the maintenance or restoration of normal services.

The transport legislation of *Portugal* and *Switzerland* also permits extension in exceptional circumstances and cases of *force majeure* likely seriously to affect the transport of persons or traffic in general.

Extensions for the purpose of rescue work are authorised in a number of countries, including *France*, *Poland* and the *United States*. In the *United States*, the maximum aggregate hours of work may be exceeded for the transport of "passengers or property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, or other calamitous visitation or disaster."

The regulations in force in *France*, *Greece*, *Portugal* and the *United States* permit hours to be extended for the repair of damage caused by or to a vehicle through an accident. The *French* Decrees concerning land transport and funeral undertakings make special provision for longer hours for repair work in the case of breakdowns.

The general legislation of *Argentina*, *Belgium*, *Canada* (Alberta and British Columbia), *Estonia*, *Luxemburg*, *Poland*, and *Rumania* authorises extension in the case of accidents. It contains provisions similar to the following, which has been adopted in a number of international Conventions on hours of work.

Extension in case of accident, actual and threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

The legislation of *Argentina* and *Belgium* permits extension only in the case of work which cannot be effected within normal hours.

The legislation of *Austria*, *Czechoslovakia*, *Estonia*, *Finland*, *Germany*, *Latvia*, *Mexico*, *Norway*, *Spain*, *Sweden* and the *U S S R* permits extension in cases of emergency, danger, unforeseen interruptions, and damage endangering human life or the property of the undertakings concerned, on the condition, explicit or implicit, that the case must be one of accident or *force majeure*. The *Danish* Act prohibiting the working of overtime makes an exception for cases of unforeseeable events interfering or threatening to interfere with the ordinary working of the undertaking.

(b) *Unforeseen Delays*

Unforeseen delays on the road which make it impossible for workers to complete the journey or garage the vehicle within normal hours are among the accidental circumstances on account of which extensions are authorised in regulations concerning transport undertakings

The road traffic regulations of *Australia* (Victoria and Western Australia), *Great Britain* and *Northern Ireland*, *Ireland*, and *New Zealand*, while fixing maximum hours, permit extensions for the purpose of completing a journey in cases in which unforeseen circumstances entail an unavoidable delay on the road. The legislation of the Australian State of Victoria stipulates that the hours of drivers engaged in the transport of goods may be extended by the amount of time needed to garage the vehicle with its load, on condition that the unloading is not done on the same day.

The regulations of *Argentina*, *Canada* (Ontario and Quebec), *France*, *Grèce* and the *Netherlands* permit the extension of the hours of drivers of motor vehicles working to a regular timetable, for the purpose of completing a journey which owing to unforeseen circumstances cannot be completed within the ordinary time. The *Swiss* transport legislation also permits the working of overtime in isolated cases of an exceptional character arising as a result of delays in railway or road services.

In some countries, additional hours worked must be compensated by a rest period of equivalent length. This system is in force in France for motor-bus undertakings working in connection with tramway services and passenger transport services of Paris and District, and in *Switzerland* for all transport undertakings and for all drivers of mechanically propelled vehicles (cf § 6)

(c) *Unforeseen Absence of Staff*

A distinction must be made between the absence of a worker owing to sickness, accident, military service, or some other cause and the absence, without known reason, of a worker at the change-over of shifts (when the work is organised in shifts). The regulations of the countries mentioned below either authorise extensions on account of the unforeseen absence of staff irrespective of the reasons of absence, or authorise it in the case of absence for one or other of the above-mentioned reasons.

In *Argentina* and *Australia* (New South Wales) the extension of the hours of work of motor-bus drivers is permitted in urgent

and exceptional cases such as that of the sickness or unforeseen absence of a worker. The *Swiss* transport legislation permits extension in the case of the absence of workers on account of sickness or military service. In *Italy* the national collective agreement for transport undertakings lays down that in the case of work organised in shifts, the shift being relieved must remain on duty until replaced by the relieving shift.

The *German* and *Norwegian* laws governing hours in industry allow an extension in the case of urgent work necessitated by the absence of a worker owing to sickness.

In *Estonia* and the *U S S R* the law allows an extension in order to make good the absence of a worker when shifts are changed over.

### III EXTENSIONS FOR THE TRANSPORT OF PERISHABLE GOODS

The regulations of some countries permit the extension of hours in order to prevent the loss or deterioration of perishable foodstuffs.

The *French* Decree relating to land transport undertakings provides for a special quota of overtime on this ground. The *United States* road transport regulations implicitly allow the extension of the hours of lorry drivers transporting perishable goods, by laying down that the time spent by a driver in resting or sleeping in the berth provided for the purpose in the lorry shall not to be included in his hours of duty.

The general legislation of *Estonia*, *Finland*, *Latvia*, and *Norway* provides for the possibility of extending hours for the purpose of preventing the loss or deterioration of materials or merchandise.

The *German* Order on hours of work authorises the extension of hours for temporary work in order to prevent the deterioration of raw-materials or foodstuffs.

### IV EXTENSIONS FOR EXCEPTIONAL PRESSURE OF WORK

Unusual pressure of work in transport consists in increases in the number of persons to be transported as a result of sporting events, elections, etc., or in the quantity of goods requiring rapid delivery at special holiday seasons and the like. In some countries—in *Switzerland*, for instance—pressure of work in transport is seasonal in character.

Pressure of work may be dealt with either by allowing hours to be spread unevenly over a period of several weeks or by extending

hours of work The former solution, which is the more common, was examined in Chapter III of this Report

A certain number of national regulations do not permit the calculation of hours of work over a period exceeding one week, or do not consider such a system adequate to meet the requirements of the transport industry

The legislation of *Brazil, France, Great Britain and Switzerland* relating to transport undertakings permits the working of additional hours in certain cases, and particularly at times of specially heavy traffic In Great Britain this extension is authorised by an Order renewed annually under the Road Traffic Act It is permitted only in the Christmas season, and only in the case of drivers of vehicles used by the owner for the transport of his own goods In Brazil, France, and Great Britain, this overtime must be paid at an increased rate The transport legislation of Switzerland prescribes that persons who work extra hours at times of special seasonal or periodical pressure must be compensated as far as possible by rest periods granted subsequently (cf § 6)

The general legislation of *Austria, Belgium and Spain* also authorises the extension of hours at times of special pressure of work

The *German* Order on hours of work authorises the extension of hours in cases in which failure to complete a piece of work would have unduly serious economic results In *Canada* (Alberta and British Columbia) it is for the Board of Industrial Relations to make regulations, if it sees fit, fixing the exceptions that may be allowed so that industrial undertakings may deal with exceptional cases of pressure of work In *Denmark* overtime is prohibited, but the Act which forbids it provides for an exception in which the organisations of employers and workers concerned consider it desirable to speed up the work or increase the output of any particular industry or undertaking for a given length of time

## V EXTENSIONS ON ACCOUNT OF A SHORTAGE OF LABOUR

Certain States permit the extension of hours in cases in which there is a shortage of labour

In *France* the Decree concerning motor-bus companies working in connection with tramway services permits the normal limits for hours of work to be exceeded when they cannot be observed without engaging additional labour The Decree concerning the

Paris and district passenger transport services also permits slight extensions of hours in order to avoid the engagement of additional staff

The *Spanish* Act relating to industry in general authorises the granting of a special overtime quota when it can be proved that the supply of labour is insufficient

## VI EXTENSIONS FOR GENERAL CAUSES

The regulations of a number of countries permit the working of overtime as the need arises, and formulate conditions in very general terms—e g emergency, the requirements of the service, special or exceptional circumstances, etc Such regulations can be used to cover extensions on account of accidental circumstances, pressure of work and other causes In some cases the regulations make extension dependent upon the conclusion of an agreement between the parties, or upon the consent of the workers They generally stipulate that overtime must be paid at an increased rate, and sometimes also that it must be compensated by the grant of an equivalent rest period

The following countries permit extensions for general causes in *Canada* (Dominion), *Ireland* and *Norway*, the competent authority may authorise, in case of need, the extension of the hours of work of drivers Various *Canadian* (Manitoba, New Brunswick, and Ontario) and *Luxemburg* collective agreements stipulate that the hours of drivers may be extended in case of emergency The *Portuguese* and *Swiss* transport laws, and the *Estonian*, *Mexican*, and *Swedish* laws for industry in general authorise extensions to meet the requirements of the service, in cases of necessity, and in special circumstances

## VII EXTENSIONS PERMITTED IMPLICITLY BY THE STIPULATION OF INCREASED RATES OF REMUNERATION

The regulations of a large number of countries, in particular those where hours of work are determined by arbitration awards, the decisions of joint bodies, or collective agreements, implicitly permit overtime by fixing increased rates of overtime pay

Arbitration awards in *Australia* (Queensland, New South Wales and Victoria) and *New Zealand* stipulate that the hours of drivers, and conductors of vehicles may be extended if an increased rate

of remuneration is paid. The same applies to the taxi drivers of Dunedin, in New Zealand.

Collective agreements in *Australia* (Queensland and Western Australia), *Canada* (Manitoba, Ontario, and Quebec), *Czechoslovakia*, *Great Britain* (as well as decisions of the Joint Board), *Italy*, *Norway*, the *Netherlands*, *Sweden*, the *Union of South Africa*, and the *United States* authorise extensions of the hours of drivers of motor buses and lorries and of deliverymen on conditions that the additional hours are paid at a higher rate than the normal hours.

In *Canada* (British Columbia) the regulations issued by the Board of Industrial Relations permit the extension of the hours of workers employed in the road transport industry in general, and of drivers engaged in the retail delivery of milk, the overtime to be paid at an increased rate.

The *German* Labour Protection Order provides that the hours of workers may be extended on condition that the overtime is paid at a sufficiently increased rate.

## VIII EXTENSIONS FOR REASONS OF PUBLIC INTEREST OR NATIONAL DEFENCE

Legislation providing for the extension of hours in cases in which this is necessary in the public interest does so either by permitting overtime or by authorising the suspension of the application of the legal provisions fixing hours, or by both these methods, according to the gravity of the situation. Provisions for the suspension of hours regulations are examined below (cf. § 7).

The legislation of *Brazil*, *France* and the *U S S R* authorises the extension of hours in the case of work which must be carried out in the interest of a public service.

In many countries, including *Czechoslovakia*, *Germany*, *Norway*, *Poland*, *Portugal*, *Sweden* and *Switzerland*, extensions are permitted on the general condition of their being required in the public interest.

The legislation of *France*, *Portugal* and the *U S S R* explicitly authorises extensions for work undertaken in the interest of national security or defence.

### § 2 — Procedure

The regulations governing the extension of hours of work vary from country to country as regards both their form and the exceptions which they permit. In the case of extensions authorised

by the law and necessitated by exceptional and urgent circumstances such as accidents and other cases of *force majeure*, the employer is, as a rule, entitled automatically and without previously obtaining permission to require his men to work overtime

In some cases extensions are authorised by special provisions, orders, regulations, etc. In others, the law requires the employer to complete certain formalities such as notifying the competent authority of the amount of overtime that his staff is working and the reasons for the extension

The legislation of a certain number of countries lays down that overtime may only be worked by agreement between the parties concerned

In other countries overtime is regulated directly by arbitration awards, collective agreements, or the decisions of joint organisations

The legislation of most States provides for the supervision of cases in which overtime is worked for economic reasons. Extension is made conditional upon previous authorisation by the competent authority, in some countries, upon the consent of the workers concerned or their representatives

Extensions may thus be classified under four heads

- 1 Extension permitted automatically,
- 2 Extension by agreement between the parties involved, or by arbitration awards, collective agreements or decisions of joint bodies,
- 3 Extension by permit,
- 4 Extension by permit and previous consent of the workers

## I EXTENSION PERMITTED AUTOMATICALLY

In some countries, extensions permitted automatically may not be used without the completion of certain formalities such as the keeping of a record or the notification of the competent authorities, while in others no formalities whatever are required. The supervision of the observance of the legislation is usually carried out by the labour inspectors, or, failing this, by the police. In some countries, the authorities must be notified within a prescribed time-limit, the exact reason for and length of the extension being given. Sometimes, again, no formalities are required except in the case of extensions exceeding a certain length

Extensions are permitted automatically (a) on account of accidental circumstances, (b) on account of the nature of the work, and (c) for economic reasons

(a) *Extensions on account of Accidental Circumstances*

The employer is usually entitled to introduce overtime automatically when necessary to prevent an accident or repair damage caused by an accident, to avoid interruptions in the service consequent upon unforeseen delays, to restore normal services, or to organise rescue and salvage work. Extensions of this kind are intended to meet cases of urgent necessity, which are defined with precision.

The legislation of *Austria, Belgium, Brazil, Estonia, Germany, Mexico, Spain* and *Switzerland* permits the working of overtime, without formality, in the case of accidents.

The road traffic legislation of *Australia* (Victoria and Western Australia), *Great Britain* and *Northern Ireland, Ireland* and *New Zealand* lays down maximum hours of work, but provides that when this maximum is exceeded for the purpose of completing a run which could not be completed within the normal hours owing to unavoidable delay, the employer cannot be convicted by the courts.

The legislation of several countries, including *Argentina, France, Greece* and *Poland*, provides that the employer may extend hours of work in exceptional and urgent circumstances only if he completes certain formalities (consisting usually in notifying the competent authority or keeping a record) destined to facilitate supervision, and only in the case of short extensions.

In *Czechoslovakia* the labour inspectors, or failing them, the authority of first instance, must be notified in the case of extensions exceeding three days.

The *Finnish* Act requires the employer to inform the Labour Inspectorate promptly of any extension that he introduces, stating its exact length, the scale on which it is applied, and the reason for its introduction. The inspector, after investigating the case, may either record the employer's declaration or take steps to limit or suspend the extension.

In *Portugal* the employer must notify the Labour and Corporations Service of the National Labour and Provident Institution within 48 hours of extensions introduced.

In *Sweden* only extensions up to 48 hours are permitted automatically. The employer must inform the Labour Council promptly



of any extension that he introduces, stating its exact length, and must also keep a record of overtime worked

The legislation of the *U S S R* stipulates that overtime worked must be entered in the worker's employment book and at the same time in a special record indicating the hours at which overtime begins and ends

(b) *Extensions on account of the Nature of the Work*

The legislation of *Austria, Belgium, Greece and Spain* permits the automatic extension of hours on account of the special nature of the work of travelling staff, as follows

*Austria* Drivers of motor and horse-drawn vehicles employed by transport undertakings, professional drivers of private cars, staff of removal undertakings

*Belgium* Drivers employed by taxi-cab undertakings, and delivery undertakings cartage and haulage undertakings

*Greece* Lorrymen,

*Spain* Drivers of carriages motor vehicles cabs and hired vehicles in general, and cartage

In Belgium extension is authorised by special order after consultation between the parties concerned and the competent authorities

(c) *Extensions for Economic Reasons*

The authorisation of the competent authority is generally required for extensions of hours for economic reasons

They are permitted automatically, however, in *Austria, France, Germany and Sweden*, the exact formulation of the conditions being somewhat different in the four countries. In *Austria and France* the employer may extend hours at times of special pressure of work, in *Sweden*, in special circumstances, in *Germany*, on condition that he grants reasonable compensation. In all four countries, however, only a fraction of the whole amount of the overtime allowed by the law is placed in this way at the free disposal of the employer. In *France*, moreover, automatic extension for economic reasons applies only to motor-bus undertakings

The Road Traffic Act of *Great Britain* provides that hours of work may be extended by order of the competent Minister on the application of a joint industrial council, a conciliation board, or organisation representative of the employers and workers concerned. One such order, which is renewed each year, authorises the extension, without formalities of any kind, of the hours of certain classes of drivers during the Christmas season

Most legislation imposes certain formalities, such as the keeping of a record of overtime worked or the notification of the competent authority. The *German* Labour Protection Order stipulates that the employer must keep a record showing, for each worker, the days on which overtime is worked, and must submit this record, on demand, to the officials responsible for the supervision of the enforcement of the law. In *Sweden* the employer must enter overtime in a record or in the time-table of the undertaking.

The *Austrian* legislation lays down that the employer must notify the political authorities of first instance. The *French* Decree concerning motor-bus undertakings working in connection with tramway services makes the employer's right to use part of the overtime quota permitted by law dependent upon the submission to the competent authority, with the least possible delay, of a statement of his reasons for wishing to do so.

## II EXTENSION BY AGREEMENT BETWEEN THE PARTIES INVOLVED, BY ARBITRATION AWARD, OR BY DECISION OF A JOINT BODY REPRESENTING EMPLOYERS AND WORKERS

The legislation of a certain number of countries permits extensions only on condition of the agreement of the parties involved and of the declaration by the workers of their willingness to work overtime. This condition is usually made in cases in which the reason for the proposed extension is not specified.

Certain formalities for the purpose of facilitating supervision are also imposed.

The legislation of *Brazil*, *Czechoslovakia*, *Estonia*, *Finland* and *Spain* stipulates that hours of work may be extended only in virtue of collective agreements or with the consent of the workers concerned.

The *Brazilian* Decree relating to land transport lays down that hours may be extended only in virtue of collective agreements concluded directly between the parties involved or their organisations, and that permanent extensions must be communicated to the competent authority for approval. All overtime must be entered in records or upon cards, which must be submitted to the authorities on demand.

The *Czechoslovak* Act makes the extension of the hours of certain classes of workers whose hours of actual work do not exceed 6 per day conditional upon the conclusion of a collective agreement.

between the employers and workers concerned, which must be approved by the competent authority

The Estonian Act concerning hours of work in industry provides that hours may be extended in cases of necessity, subject to agreement between the parties concerned and notification of the district labour inspector

In Finland overtime may be worked on the sole condition of the workers' consent, provided that it is entered in a record

In Spain the legislation relating to industry in general stipulates that extensions for reasons of emergency must be agreed between the workers of each undertaking and their employers. Such agreements may be approved by the official joint bodies. It is for the employer to propose the extension, and the workers are free to accept or reject the proposal

In many countries the extension of hours is regulated by arbitration awards, collective agreements, or decisions of joint bodies. The regulations do not specify the procedure to be followed, in a few cases, certain formalities are required, such as the posting up of notices relating to the working of overtime. Nevertheless, arbitration awards and decisions of joint bodies are rendered only after consultation with the workers or their representatives, and take account of their views as to the necessity of extending hours and the conditions on which overtime should be worked. In the case of collective agreements, the workers or their representatives declare their readiness to work overtime by affixing their signatures to the agreement

Arbitration awards, collective agreements, and decisions of joint bodies permit the extension of hours of work of the following classes of workers

*Australia* (Western Australia, New South Wales, Queensland and Victoria), *Czechoslovakia*, *Italy*, *Spain*, the *Union of South Africa* drivers of vehicles for the transport of passengers and goods in general

*Great Britain* drivers of vehicles for passenger transport in London and the provinces, drivers of provincial municipal vehicles, drivers employed in goods transport undertakings and in industrial and commercial undertakings

*United States* drivers of motor buses and lorries, and their assistants

*Canada* (British Columbia) workers in the transport industry, and drivers engaged in the retail delivery of milk

*Canada* (Manitoba, Ontario and Quebec). drivers and conductors of motor buses working to regular time-tables

*New Zealand* drivers of municipal vehicles, drivers employed in urban and suburban undertakings for passenger transport  
Dunedin taxi-cab drivers

<i>Norway</i>	drivers of motor buses, drivers employed in goods transport undertakings, taxi-cab drivers
<i>Sweden</i>	drivers employed by forwarding agencies and delivery undertakings, drivers of hired vehicles, lorries, motor coaches, taxis
<i>Netherlands</i>	drivers employed in goods transport
<i>Luxemburg</i>	drivers employed by municipal undertakings

### III EXTENSION BY PERMIT

Extensions of hours in order to meet economic requirements, and in particular to ensure the normal working of a service or to deal with a rush of work, usually require special authorisation.

In some countries, including *Czechoslovakia*, *Latvia* and *Sweden*, a permit is required also for extensions on account of accidental circumstances, e.g. for repair work. This does not apply, of course, in cases of emergency due to unforeseeable events.

The competent authority for permitting extensions varies from country to country, in some it is the labour inspectors, in others the administrative authority, etc.

In *Australia* (Queensland and Victoria), *Czechoslovakia*, *Finland*, *France*, *Greece*, *Latvia* and *Poland*, the labour inspectors are entitled to permit extensions in cases in which the grounds put forward by the applicant are sufficient. In *Czechoslovakia* the employer must make his application to the administrative authorities of the second instance in the case of extensions exceeding a certain limit.

In *Portugal* permits are granted by the National Labour and Provident Institution, and in *Sweden* by the Labour Council.

In *Germany* the procedure to be followed varies with the nature of the regulations under which the permit is granted. All extensions must be based either upon collective rules or upon a decision of the competent authority. In the former case, the permit is granted by the labour trustee assisted by an advisory committee of experts chosen by him from the various economic branches of his division. In the latter, it is granted either by the competent official of the Labour Inspectorate, or by the supreme authority of the State (when the case affects several departments of the Labour Inspectorate or the whole of a given occupation or branch of industry), or by the Minister of Labour (when the case affects the whole country). In neither case is previous consultation necessary.

The regulations require the completion of certain formalities, such as the posting up of the authorisation or the keeping of a

record In *Sweden*, for instance, the employer must keep a record of overtime worked as a result of accidents or special circumstances.

#### IV EXTENSION BY PERMIT AND PREVIOUS CONSENT OF THE WORKERS

In some countries the employer may not apply for a permit to extend hours without first obtaining the consent of the workers concerned or their representatives

Provisions to this effect are contained in the legislation of *Belgium*, *Estonia*, *Sweden*, and the *U S S R*

In *Estonia* the employer must produce the signatures of the members of the Workers' Council, of the senior worker, or of all the workers concerned, in proof of their consent

In *Sweden* the Labour Council must give the workers directly involved an opportunity to state their point of view, and must consult the representatives of employers and workers in the industry

In the *U S S R* overtime is authorised by the labour inspector on the decision of the local conciliation and assessment council, or failing this, with the consent of the competent trade association

#### § 3 — Conditions on which Extensions are permitted

The regulations of a certain number of countries lay down conditions for the authorisation of extensions, in order to restrict the abuse of overtime

Sometimes the conditions are determined by legal provisions prescribing the procedure to be followed by an employer who wishes to extend hours of work These provisions aim usually at restricting the length of the extensions which the employer is entitled to apply automatically

In *Austria* extensions due to pressure of work may not exceed three days per month In *Latvia* extensions necessitated by urgent work, or by work required in the public interest, may be applied automatically on condition that they do not last more than six days In *Sweden* hours of work may not be extended in the case of accidents or other special circumstances on more than two days without an application by the employer to the Labour Council for a permit

Sometimes the condition is made that the extension shall apply to all the workers employed in the establishment. In *Germany* the Labour Protection Order provides that the employer may work his staff overtime on a certain number of days (which he may choose) annually, on condition that the extensions apply to all the workers in his establishment or at least to a part of the establishment, and not to isolated workers.

The collective agreements sometimes lay down conditions for the working of overtime. A *Norwegian* collective agreement for transport workers stipulates that overtime must be limited to the strict minimum, and not abused either by the employer or by the worker.

Various measures have been taken with a view to restricting overtime and increasing opportunities for employment. The regulations of *Argentina*, *Germany* and the *United States* prescribe that overtime may not be introduced by an employer unless he is unable to engage additional staff.

In a few countries the competent authorities have been instructed to limit overtime to the strict minimum. In *Belgium* and *Czechoslovakia* the labour inspectors have been instructed to examine carefully all demands for permits to work overtime, and to grant such permits only in exceptional cases when it is found that the necessary labour is not available. During the whole of 1936, and for all the branches of the Belgian transport industry, the labour inspectors granted only one permit to work overtime as a result of exceptional pressure of work.

In *Italy*, in accordance with the agreement introducing the 40-hour week, employers who have to exceed the normal hours of work must immediately inform the competent authority and state the reasons for which they are unable to meet the rush of work by engaging additional staff. If the trade associations concerned consider the reasons given to be insufficient, they must stop the working of overtime. Cases of disagreement must be settled by the Corporative Inspection Service.

The legislation of some countries provides for the possibility of suspending the working of overtime during periods of unemployment. In *France* the Decrees relating to transport undertakings provide that in times of exceptional and prolonged unemployment recourse to the overtime quota allowed for cases of exceptional pressure of work may be provisionally suspended by Order, either throughout the country or in specified regions. In *Denmark* an Act has recently been passed prohibiting overtime until 1 April 1940, in order to alleviate unemployment.

In one country—namely, *Uruguay*—the working of overtime as a result of exceptional pressure of work is permanently prohibited

#### § 4 — Length of Extensions

As a rule, extensions of hours for accidental causes or for reasons of public interest cannot be precisely determined in advance. It is not possible to fix any limit to the length of extensions necessitated by unforeseen circumstances for which the parties concerned are not responsible.

On the other hand, the length of extension to meet various requirements of the undertaking, and more especially an unusual rush of work, may be determined either by fixing a limit to the duration of the extension itself or by prescribing maximum hours of work, including both normal hours and extensions.

##### I UNLIMITED EXTENSIONS

Sometimes the legislation fixes no limit to extensions, irrespective of the reason for them, leaving it to the parties concerned to fix the additional hours. The hours of work legislation of *Luxemburg* and *Portugal* contains no provision restricting the length of extensions.

Generally speaking, the regulations do not lay down a precise limit for extensions required for preventing or repairing accidents, for completing a journey, for returning a vehicle to the garage after an unforeseen delay, for re-establishing the regular service when it has been disorganised, for the organisation of rescue and salvage work, or for performing work in the interests of a public service.

Three different methods are used in the case of extensions whose length cannot be strictly determined. The first is to grant the employer unlimited powers to extend hours of work, the second is a stricter method, which consists in permitting an extension only for such time as is strictly necessary to complete indispensable work, such permission may even be limited to a short period, generally fixed at half an hour. The third method is to fix no limit to the extension, at least for a certain number of days, but to prescribe that a compensatory rest period of equivalent length must be granted subsequently.

The extensions whose length cannot be exactly fixed may therefore be divided into three groups (a) extensions unlimited in length, (b) extensions confined to the time strictly necessary, (c) unlimited extension with a compensatory rest period

(a) *Extensions Unlimited in Length*

The extensions necessary for the organisation of rescue or salvage work or for work in the public interest are generally unlimited in length

Extensions for urgent and exceptional work, more particularly in the case of accidents, bad weather or other causes for which the employer is not responsible, are unlimited in length in *Australia* (New South Wales and Queensland), *Great Britain*, *Northern Ireland*, and *New Zealand*

Extensions in cases of *force majeure* or exceptional requirements of the service, e.g. when a member of a shift is absent at the moment of changing over, are unlimited in length in *Brazil*, *Greece*, and *Italy*

(b) *Extensions confined to the Time strictly necessary*

In many countries, extensions in the case of accidents, unforeseen delays, or unexpected absence of staff are not permitted beyond the time required to complete a journey, garage a vehicle, or bring goods into a yard

The road traffic legislation in *Australia* (Victoria and Western Australia), *Ireland*, and *New Zealand*, which fixes maximum hours of work, provides that the statutory limit may be extended in order to complete a journey if the vehicle was inevitably delayed as a result of unforeseen circumstances. This extension must be limited to the time strictly required to complete the journey

The road transport legislation of the *United States* and an arbitration award in *Australia* (Victoria) also prescribe that the hours of work of drivers may be extended in the event of an accident or a delay in the course of the journey, provided that the extension does not exceed the time strictly necessary to complete the journey, garage the vehicle, or bring goods into a yard

In *Argentina* the Decree concerning motor-bus drivers provides that it may be necessary to continue the service when a stoppage has occurred because of the unforeseen absence of certain members



of the staff for reasons for which the company is not responsible. In this case the extension is restricted to one additional journey.

In some countries the regulations provide that the extension may not exceed a certain limit.

In *Argentina* and in *Canada* (Quebec) the regulations concerning motor-bus drivers working on a regular time table prescribe that in the event of an unforeseen delay, or in cases of necessity, the extension may not exceed half-an-hour in length.

The laws or regulations applying to industry often prescribe that in the event of an accident hours of work may not be extended beyond a reasonable amount. In some laws it is provided that extension is permissible only for a given number of weeks during the year. In other cases it is stipulated that the competent authority must fix the length of the extension after a certain time has elapsed.

The legislation of *Czechoslovakia*, *Finland*, *Latvia* and *Sweden* permits extensions in exceptional cases or for reasons of public interest in so far as the extension is strictly necessary. In *Latvia* the employer is entirely free to carry out work of this nature for six days, but as from the seventh day the factory inspector must fix the daily length of the extension and its total length. In *Sweden* similar freedom is granted to the employer for two days only. In *Finland* the legislation stipulates that urgent work may not be carried out for more than four weeks in any one year but sets no limit to the extension.

(c) *Unlimited Extensions, with a Compensatory Rest Period* (cf. § 6)

In *French* and *Swiss* legislation it is provided that compensation must be granted, at least in part, by means of an equivalent rest period for any extensions of hours to deal with urgent work. The *French* Decrees applying to land transport undertakings, funeral undertakings, bus services connected with tramway companies, and the passenger transport services of Paris and district, permit the undertaking to extend hours of work to an unlimited extent in the event of an accident or of work which cannot be postponed without interfering with the regular working of the service. This unlimited power is granted for one day, to be selected by the undertaking. On the following days the extension is limited to one hour (two hours in the passenger transport services of Paris and district). The Decrees concerning bus services and the passenger transport services of Paris and district further prescribe that rest

periods must be granted later in compensation for the hours worked under the above provisions

The transport legislation of *Switzerland* does not fix any limit to the extensions of hours of work due to the lateness of a train or other vehicle, but it prescribes that when the vehicle is more than a quarter of an hour late, a compensatory rest period of equivalent length must be granted during the three following days

## II LIMITATION OF EXTENSION

In many countries a limit is fixed by law to the extensions necessary for dealing with various economic requirements, and more especially with a rush of work. It is generally stipulated that overtime for accidental causes shall not be included among such extensions. An exception to this rule is the Labour Code of the *U S S R*, which lays down a maximum annual number of hours of overtime for all workers, irrespective of the reasons for the extension of hours

The limit may also be fixed by orders issued under the legislation. In *Belgium*, for example, an Order has fixed the length of the extension for work which, on account of its nature, cannot be definitely determined in advance in taxi undertakings, delivery services, car-hire undertakings, carting undertakings, etc. In *Great Britain* an Order, which is renewed from year to year, fixes the length of the extension permitted for certain classes of vehicle drivers engaged in the transport of goods during the Christmas season

The legislation sometimes leaves the limits to the extension of hours to be fixed by the competent authority. This is the case in *France* for work performed in the public interest. In *Latvia* the Act does not mention the maximum number of hours of overtime that may be worked, but leaves it to the factory inspector to determine the length of the extension in each case. In *Sweden* the Labour Council fixes the length of extensions, more particularly in the case of work in the public interest or work which the majority of the workers consider desirable. The Labour Council also limits, in accordance with the Act, the extensions for dealing with a rush of work

The length of extensions may also be fixed by arbitration awards, collective agreements, or decisions of joint bodies. The scope of these regulations, however, is much more restricted than that of legislation, and the length of the extensions permitted in this way is not necessarily representative for all the different classes of pro-

professional drivers of vehicles When these regulations are drawn up within the general framework of the law, they often fix a shorter limit than the statutory limit This is the case, for example, in the *Spanish* standards of employment and in the *Norwegian* collective agreements

### III METHODS OF LIMITATION

There are two methods of fixing the length of extensions The first is to limit the extension itself, and the second to fix maximum hours of work, including normal hours and extensions In a certain number of countries the two methods are used simultaneously It is sometimes prescribed that a compensatory rest period must be granted later in respect of at least part of such extensions

The regulations may therefore be divided into four groups

- (a) Regulations limiting the length of extensions,
- (b) Regulations limiting the maximum hours of work,
- (c) Regulations limiting both the length of extensions and the maximum hours of work,
- (d) Regulations prescribing compensation for extensions (cf § 6)

#### (a) *Regulations limiting the Length of Extensions*

The length of extensions may be fixed on the basis of various periods—the day, the week, etc , often with an annual limit

##### (1) *Daily Limits with or without an Annual Limit*

The daily limit is the most common, but it very rarely refers to an unspecified number of days

The *Latvian* Act fixes a limit of 2 hours a day, but does not restrict the maximum number of hours of overtime over any given period It is left to the labour inspector to fix the total length of the extension

The regulations generally fix weekly or annual limits in addition to the daily limit The annual quota of overtime varies considerably from country to country Under many regulations an additional quota is permitted, for use only in certain clearly specified cases When limits are fixed, they range from about 50 to 200 hours a year

The *Greek* Decree concerning the staffs of motor buses fixes the extension at one hour a day twice a week

Certain *Italian* collective agreements for road transport undertakings provide that overtime may not exceed 2 hours a day and 12 hours a week

The *Mexican* Federal Labour Code restricts the extension of hours in industry in general to 3 hours a day three times a week

In *Belgium* the legislation fixes a daily limit and an annual limit to extensions granted on account of the special nature of the work, or because of an exceptional rush of orders. In the former case the length of the extension for transport and carting undertakings is two hours a day and 100 hours a year. In the case of a rush of work the legislation permits an extension of 2 hours a day for three months during the year

The legislation of *Czechoslovakia*, *Estonia* and *France* fixes a daily limit to the length of the extensions for a rush of work, and also prescribes an annual quota of overtime, and in addition a special quota to be used in certain specified cases. The daily limit is 1 hour in France and 2 hours in Czechoslovakia and Estonia. The annual overtime quota is 75 hours in Estonia and France

In Czechoslovakia an allowance of 2 hours a day for four weeks a year can be granted by the lower administrative authorities, and this figure may be extended for a further period of sixteen weeks by the higher administrative authorities. The total length of extensions may therefore be 240 hours a year, distributed over twenty weeks

In Estonia an additional allowance of 100 hours of overtime may be granted by the competent authority in special cases when the interests of the industry so require

In France the Decree concerning land transport undertakings makes provision for an additional quota of 50 hours a year for the transport of perishable goods

The Labour Code of the *U S S R* adopts a slightly different system. It fixes the maximum extension at 4 hours in any two days, and provides an annual allowance of 120 hours of overtime, which may not be exceeded in any circumstances

#### (ii) *Weekly Limits, with or without an Annual Limit*

The regulations which fix the length of extensions on a weekly basis may provide that extensions may be granted for an indefinite number of weeks or calculated over a certain number of weeks. In two countries a certain allowance of overtime is granted for the year, with an additional quota for cases of absolute necessity

The extensions are permitted for an indefinite number of weeks in *Austria* and the *Union of South Africa*

In *Austria* the legislation fixes limits by the week or the fortnight according to the class of vehicle driver. The limit is 16 hours a fortnight for the drivers of motor or horse-drawn vehicles employed by transport undertakings, 12 hours a week for the drivers of private cars, and 8 hours a week for the staffs of removal undertakings.

In the *Union of South Africa* a collective agreement for goods transport prescribes a weekly limit of 10 hours for overtime.

In *Italy* and *Norway* extensions are calculated over a given number of weeks. In *Italy* certain collective agreements fix a limit of 12 hours of overtime a week on the average, calculated over a period of nine consecutive weeks. In *Norway* the extension of hours is restricted to 10 in the week and 30 over any period of four consecutive weeks, this latter limit has been reduced to 24 hours by a collective agreement for transport undertakings.

The legislation of *Finland* and *Sweden* concerning industry in general fixes the length of extensions to meet economic needs at 48 hours in any period of four consecutive weeks. Two limits are laid down for the number of hours of overtime permitted annually. The first limit is 200 hours, subject to the condition of not exceeding the above-mentioned monthly limit. An additional quota of not more than 150 hours a year may be granted by the competent authority when absolutely necessary for the working of the service. In this latter case the competent authority is free to determine the length of extensions over a period of four weeks and over the whole year. In *Sweden* the Labour Council generally permits an extension of 30 hours a month for three months.

#### (b) *Regulations limiting the Maximum Hours of Work*

The maximum hours of work per day or per week are often prescribed by law. Arbitration awards, collective agreements, or the decisions of joint bodies very frequently fix normal hours of work at a considerably lower figure than the statutory limit and stipulate that hours of work in excess of the normal must be considered as overtime and paid for at a higher rate. The limits of the normal hours of work laid down in these regulations are dealt with in Chapter III of the Report.

The regulations fixing maximum hours of work may be divided into two groups

- (i) Those fixing a daily limit, and
- (ii) Those fixing a weekly limit

(1) *Daily Limits*

In many countries the legislation lays down maximum hours of work per day<sup>1</sup>

The road traffic legislation of *Australia* (Western Australia and Victoria), *Great Britain* and *Northern Ireland*, *Ireland*, and *New Zealand* fixes the maximum hours of work, including overtime, at 11 in the day

In *Great Britain* an Order, which is renewed from year to year, permits the maximum hours of work of certain classes of vehicle drivers to be increased to 12 hours a day on two days a week for three weeks of the year during the Christmas season

The road traffic legislation of the *United States* fixes the limit of hours at 12 in the day

In *Australia* (New South Wales) an arbitration award for the drivers of motor buses and motor coaches also fixes the maximum hours of work at 12 in the day, with the possibility of an extension to 14 hours on Sunday

In certain cases the maximum hours of work laid down in arbitration awards, collective agreements or the decisions of joint bodies are considerably less than the legal limit. In *Sweden*, for example, the statutory maximum hours of work are 12 in the day, but the Labour Council may fix lower daily and weekly limits in certain circumstances. In accordance with its decisions, the maximum hours are usually 10 in the day and 60 in the week when an extension is permitted for work not requiring any great physical effort. They are 10 in the day and 54 in the week in the case of an extension for work in the interests of a public service, in certain cases the daily maximum is only 8½ or 9 hours for the first five days of the week and 8 hours on Saturday and Sunday. Extensions of hours of work for the performance of work considered desirable by the majority of the workers are included within the maximum limits of 10 hours a day and 56 hours a week.

Sometimes collective agreements lay down maximum hours of work for certain types of work not restricted by the legislation. In *Belgium*, for example, the collective agreements prescribe that the drivers and conductors of motor vehicles may not be employed for more than 10 hours a day in cases of *force majeure*, whereas the legislation lays down no limit in such circumstances

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<sup>1</sup> The French Order of 10 December 1937 (cf. p. 18) provides that the hours of work of Paris taxi drivers may be extended on account of long spells of inactivity, provided that the daily running time of the vehicle does not exceed 12 hours

In some countries the extensions to meet economic requirements (pressure of work) are included in the maximum hours of work. In *Austria* the legislation governing hours of work in industry prescribes that in the event of exceptional pressure of work the maximum hours may not exceed 10 in the day or 30 days in the year. In *Brazil* the Decrees concerning land transport undertakings and urban passenger transport undertakings fix the maximum hours of work at 10 in the day or 60 in the week. The daily maximum may, however, be increased to 12 hours for certain land transport undertakings in order to enable them to meet exceptional circumstances, cases of *force majeure* or an exceptional rush of work. In *Germany* the Labour Protection Order lays down the principle that the maximum hours of work should be 10 in the day, this limit may be exceeded only in exceptional cases for urgent reasons affecting the public interest.

#### (ii) *Weekly Limits*

In some cases the regulations fix the maximum number of hours per week, they sometimes also limit the number of weeks during which this maximum is permissible.

In *Australia* (Victoria), for example, the regulations prescribe that drivers transporting goods in the metropolitan area or in towns may work in excess of 60 hours a week provided that their hours do not exceed a maximum of 70 and do not reach that figure during more than six weeks in the course of the year.

The maximum weekly limit laid down by legislation may be lowered by collective agreements or by decisions of joint bodies. In *Spain*, for instance, the legislation provides that in transport and cartage undertakings the maximum hours of work may be 72 in the week, which is equivalent to a maximum extension of 24 hours beyond the normal, fixed at 48 hours a week. This provision is repeated in many of the standard rules of employment, which fix the maximum hours of work at 54, 60, 66 or 72 hours a week, involving extensions of 6, 12, 18 and 24 hours respectively.

#### (c) *Regulations limiting both the Length of Extensions and the Maximum Hours of Work*

The regulations sometimes determine both the length of extensions and the maximum hours of work, the limits varying according to the class of worker concerned.

In *Canada* (British Columbia) the regulations issued by the Board of Industrial Relations provide that workers in the road transport

industry, with the exception of those engaged in the retail distribution of milk, may work six hours' overtime a week in excess of the normal 48 hours, provided that the daily hours do not exceed a maximum of 10. The drivers of vehicles engaged in the retail delivery of milk may work 15 hours' overtime a week beyond the limit of 48, provided that they do not work more than 378 hours in any period of seven weeks or more than 10 hours a day. The effect of this provision is to fix the maximum working week at 60 hours, with an average which may not exceed 54 hours in any seven consecutive weeks.

In *France* the Decree concerning land transport undertakings and funeral undertakings provide that hours of work may be extended by 2 hours a day, subject to the weekly limit of 46 hours, for road repairs to broken-down cars.

In *Greece* the Decree concerning motor-lorry drivers fixes the length of the extension at 2 hours a day and the maximum hours of work at 10 in the day. In the case of drivers on inter-urban services the extension may exceed the above limit by 6 hours a week provided that the maximum number of hours does not exceed 60 in the week.

(d) *Regulations prescribing a Compensatory Rest Period* (cf § 6)

The legislation sometimes fixes normal hours of work and maximum hours of work, and makes provision that any additional hours worked between those two limits should, wherever possible, be made good by an equivalent period of rest. In this case it merely prescribes the maximum number of hours of overtime permitted.

In *Switzerland* the transport legislation fixes the normal hours of work at 9 in the day and the normal period of duty at 10 hours. These are reckoned as averages over not more than 14 consecutive days. The maximum hours of work are 10 in the day and the maximum period of duty is 14 hours, these two limits being also calculated over a period of two weeks. In exceptional cases the maximum period of duty may be increased to 15 hours on three consecutive days. Any extension of normal hours or of the period of duty within the maximum limits must normally be made good by a rest period granted at some subsequent date. Cash remuneration for overtime is permitted only when the conditions of service or shortage of staff make it impossible to grant a compensatory rest. No worker is permitted to renounce his right to a compensatory rest for more than 150 hours of overtime in the course of the calendar year.



## § 5 — Remuneration for Overtime

The question of remuneration for overtime is a delicate one. It is necessary first of all to determine what is meant by overtime. Some laws, such as the *Merican* Labour Code, specify that all hours in excess of 8 in the day or 48 in the week should be considered as overtime, but in most countries the regulations merely state that hours in excess of the normal should be taken into account for the calculation of overtime.

The normal hours of work for travelling staff may be fixed in different countries by the day, by the week, or as an average over a period longer than one week.

The legislation concerning road traffic fixes the maximum daily hours, and within that limit the normal daily or weekly hours beyond which overtime begins are fixed by arbitration awards, collective agreements, or the decisions of joint bodies. The regulations in force in *Australia*, *Great Britain* and *New Zealand* generally calculate overtime for persons in permanent employment on the basis of the normal weekly hours of work, whereas in the case of supernumerary staff the normal daily hours are taken as a basis. According to rulings of the Joint Board in *Great Britain*, for example, the normal hours of 48 in the week must be taken as a starting point for calculating overtime for the regular staff. Overtime begins for casual workers after  $8\frac{1}{2}$  hours of work on any day from Monday to Friday and after  $5\frac{1}{2}$  hours of work on Saturday.

There is, however, no definite rule on this subject, and the regulations sometimes calculate overtime on the basis of the daily hours, sometimes on that of the weekly hours.

In many countries the regulations laying down normal hours of work stipulate that in view of the special nature of the work in road transport undertakings hours of work may be calculated as an average over several weeks. In this case overtime is taken to mean time in excess of the normal hours of work over a given number of weeks.

The figure beyond which work is reckoned as overtime may be 96 hours in a period of two weeks, as in *Austria* and *Germany*, or 192 hours in a period of four weeks, as in *Czechoslovakia* and *Finland*, or 624 hours in 13 weeks, as in *Poland*, or 1,200 hours in six months, as in *Belgium*.

In addition to limiting the normal hours of work over a certain number of weeks, certain regulations lay down a daily limit of hours beyond which overtime begins. In *Poland* overtime is reckoned after 10 hours of work in the course of the day. In *Switzerland* hours are calculated over a period of 14 consecutive days, but overtime begins when the hours of work exceed 9 hours a day or the period of duty exceeds 10 hours.

It is sometimes provided that the normal hours of work fixed for the calculation of overtime may be reduced by agreement between the parties concerned. In *Estonia*, for example, the legislation governing hours in industry states that overtime consists in any work performed by a wage earner in a period of 24 hours after the normal daily hours of work. When the works regulations or the employment books lay down a limit of daily hours which is lower than the statutory one, any time worked in excess of that limit is considered as overtime.

One remark must be made with regard to the remuneration for the extensions permitted in certain countries because of the special nature of the work of travelling staff. They are often remunerated in the form of a lump sum fixed by collective agreement or by decision of a joint body. This method, under which it is impossible to distinguish between normal remuneration and overtime pay, is applied, for instance, in *Austria*, *Czechoslovakia*, and *Spain*.

## I NORMAL RATE OF REMUNERATION

The normal rate of remuneration generally applies in the first place to extensions of a permanent nature permitted for preparatory, complementary or intermittent work. As subsidiary tasks and periods of mere attendance are usually included in the hours of work or the hours of duty of travelling staff, there are few cases in which the regulations provide for the remuneration of extended hours at the normal rate.

The normal rate of remuneration is often paid for extensions due to accidents. In *Argentina*, *Austria*, *Canada* (Alberta and British Columbia), *France*, *Germany*, *Greece*, *Mexico* and the *United States*, the regulations applying to workers in general or to all drivers of vehicles provide that the normal rate of remuneration shall be paid for extensions due to an accident.

The hours of work of professional drivers, and especially of those in municipal bus services, are often extended without any increased rate of pay when the service has been disorganised. In *Great Britain*

and *Northern Ireland, Italy, Portugal, and Switzerland* the regulations prescribe that the normal rate of remuneration is paid for extensions due to bad weather, floods, or other cases of *force majeure*

In *France* the Decree concerning funeral undertakings does not provide for an increased rate of pay for extensions due to a breakdown. In *Spain* some of the standard rules of employment stipulate that extensions of hours of work due to a breakdown need not be paid for at a higher rate

The normal rates of pay are applied in the case of extensions for the organisation of rescue and salvage work in *France* and the *United States*

In most countries the normal rate of remuneration is paid for extensions in the case of an unforeseen delay or other circumstances endangering the smooth working of the service. The regulations in force in *Argentina, Canada* (Ontario and Quebec), and *France* prescribe the normal rate of pay for work in excess of the normal time-table in the case of motor-bus drivers engaged on a regular service. In *Australia* (Victoria) the hours of work of drivers transporting goods from one town to another may be extended without any increase in pay when it is necessary to enable them to garage the vehicle or bring the goods into a yard

In *Spain* the Hours of Work Act provides that in the case of regular permanent cartage services which cannot be carried out within the normal limits of hours because of the distance covered, the ordinary rates of pay will apply to the first six hours in excess of the normal weekly hours. This provision may be extended by the competent joint bodies to cartage services that are not regular or permanent if the extension of hours is frequently due to delays or to waiting. These statutory provisions are reproduced in many of the standard rules of employment

The regulations sometimes state that a rest period of equivalent duration must be granted at some later date in compensation for an extension of hours due to accidental causes. In *Switzerland* the transport legislation provides that such a rest period must be granted in compensation for extensions due to delays or to the disorganisation of the service. In *France* compensation is granted for extensions of hours due to delays in motor-bus services attached to tramway services and in the passenger transport undertakings of the Paris area

The normal rate of remuneration is paid for extensions of hours due to unforeseen absence of staff as the result of sickness in motor-bus services in *Australia* (New South Wales) and in passenger

transport undertakings in *Italy* when a worker is absent at the moment of the change from one shift to another

In some countries arbitration awards, collective agreements or the decisions of joint bodies provide that the normal rate of remuneration may be paid for certain overtime

In *Canada* (British Columbia), for example, the regulations issued by the Board of Industrial Relations permit an extension of hours up to 6 in the week for workers in the transport industry and prescribe that the normal rate of remuneration will be paid for the first two hours. A collective agreement in Ontario provides that the drivers of motor buses employed on a regular time-table may, if required to work overtime, be employed for half a trip at the normal rate of remuneration

In the *United States* the collective agreements for bus drivers often fail to make a clear distinction between the normal rate and the higher rate of remuneration for overtime. The collective agreements governing motor-lorry drivers are more definite in three cases they provide that the normal rate of remuneration will be paid for the first hour of overtime, and in one case, although the normal working week is 48 hours, no special rate of remuneration is paid for overtime until after 54 hours have been worked

## II OVERTIME PAID AT AN INCREASED RATE OF REMUNERATION

As most of the extensions of hours for travelling staff are of an exceptional-nature, an increased rate of remuneration is usually paid

Sometimes regulations which permit extensions only in urgent and exceptional cases prescribe that the higher rate must be paid irrespective of the reason for the extension, the Labour Code of the *U S S R*, for example, does not permit any extension without an increase in the rate of remuneration

The extensions for which increased rates are paid in various countries are as follows

- (a) Extensions on account of the nature of the work,
- (b) Extensions on account of accidental circumstances,
- (c) Extensions for the transport of perishable goods,
- (d) Extensions for exceptional pressure of work,
- (e) Extensions on account of a shortage of labour,
- (f) Extensions for general reasons,

In *Estonia* and *Mexico* the general legislation provides for a higher rate of remuneration for extensions required to meet the exigencies of the service

In some regulations it is laid down that a compensatory rest period must be granted for such extensions in addition to the payment of overtime rates. In *Luxemburg* a collective agreement for workers in municipal undertakings provides that in the case of exceptional or urgent work an increased rate of remuneration must be paid for extensions and an equivalent rest period granted at a subsequent date

(g) *Extensions permitted implicitly by the Stipulation of Increased Rates of Remuneration*

An increased rate of remuneration is laid down in arbitration awards, collective agreements, or the decisions of joint bodies governing the conditions of bus and lorry drivers and deliverymen in *Australia* (New South Wales, Queensland, Victoria, and Western Australia), *Canada* (Manitoba, Ontario, and Quebec), *Czechoslovakia*, *Great Britain*, *Italy*, the *Netherlands*, *Norway*, *Sweden*, the *Union of South Africa*, and the *United States*. In *Canada* (British Columbia) the regulations issued by the Board of Industrial Relations permit overtime at a higher rate of remuneration for workers in the road transport industry in general and for persons engaged in the retail delivery of milk in particular. In *New Zealand* arbitration awards provide for a higher rate of remuneration for extra hours worked by the drivers and conductors of vehicles and by taxi drivers in Dunedin

(h) *Extensions for Reasons of Public Interest or National Defence*

An increased rate of remuneration is payable for such extensions in a certain number of countries, such as *Brazil*, *Czechoslovakia*, *Poland*, and *Portugal*. In *France* the Decrees concerning the transport industry provide that a higher rate of remuneration to be fixed by the competent ministers, must be paid for extensions required for work in the interests of safety or national defence or of a public service

### III METHOD OF FIXING OVERTIME RATES

Overtime rates are frequently fixed in the legislation itself. This is the case in *Argentina*, *Austria*, *Belgium*, *Brazil*, *Estonia*, *Finland*, *France*, *Germany*, *Greece*, *Latvia*, *Luxemburg*, *Mexico*,

*Poland, Portugal, Spain, and Switzerland* The rates thus prescribed serve as a basis for fixing the remuneration for overtime in collective agreements or by the decision of joint bodies. The rates laid down in these regulations are often higher than the statutory rates.

The legislation sometimes stipulates that the rate it lays down may be varied in certain circumstances. In *Germany*, for example, the Labour Protection Order prescribes time and a quarter as a suitable rate, except where some other basis is agreed to by the parties concerned or justified by circumstances, or prescribed by the Reich Minister of Labour or by the labour trustee.

In some countries the legislation fixes the increased rates to be paid to workers in industry in general, but permits the rates for professional drivers, or certain classes of drivers, to be fixed by agreement between the parties.

In *Spain* the Act concerning hours of work in industry fixes the increased rates for all workers but provides that a rate shall be fixed by agreement between the parties for overtime worked by the drivers of vehicles, motor cars and hackney carriages. The increased rates for such workers are laid down in the standard rules of employment.

In *Austria* the general legislation also fixes the overtime rate for workers in general and permits the overtime remuneration for the drivers of private cars to be stipulated by contract as a lump sum.

In *Brazil* the Decree concerning land transport undertakings does not fix overtime rates, except for Sunday work, it provides that the rates must be fixed between the parties by collective agreement.

In many countries overtime rates are fixed directly by arbitration awards, collective agreements or the decisions of joint bodies. This is the case in *Australia, Czechoslovakia, Great Britain, Italy, the Netherlands, New Zealand, Sweden, the Union of South Africa, and the United States*. The rates laid down in these regulations are nearly as representative as those fixed by law when they apply to all the different classes of professional drivers in a whole country, State or province. But in many cases, the data are not comparable because the regulations may apply only to a limited number of undertakings or workers.

It is sometimes laid down in the regulations that no special remuneration can be paid for overtime unless the overtime was authorised by the undertaking. Certain collective rules in *Germany* and certain collective agreements in *Italy*, for example,

stipulate that overtime rates are payable only if the overtime was ordered by the head of the establishment

In many countries the regulations also contain indications as to the method of calculating overtime pay. Overtime of less than a quarter of an hour is sometimes not taken into consideration for this purpose, or it may be reckoned as a quarter of an hour or as half an hour, overtime in excess of a quarter of an hour is sometimes reckoned as half an hour, and that in excess of half an hour as one hour. In other cases, any fraction of an hour is reckoned as a whole hour.

In connection with the methods of paying overtime rates, it should be noted that they are paid by the day, week or month, according to the period for which overtime is calculated.

There are two methods of fixing the rates of remuneration for overtime. The first is to prescribe a flat rate for all overtime, and the second to lay down different rates according to the number of hours of overtime worked, or according to the time of day or the day of the week. Overtime at night, on Sundays or on public holidays is often paid for at a higher rate than the ordinary overtime rate. There is one point which should be noted in this connection. As is pointed out in Chapter V of this Report, certain regulations prescribe compensation in the form of an increased rate of remuneration for normal hours of work during the night or on Sundays, and it is therefore not always possible to determine whether an increased rate is being paid for overtime or for such normal hours.

The national regulations may be grouped under two heads (a) regulations fixing a flat rate, (b) regulations fixing different rates.

#### (a) *Regulations fixing a Flat Rate*

In all such regulations the overtime rate is at least time and a quarter. This is the rate prescribed in *Austria, France, and Switzerland*. Time and a half is payable under the legislation of *Argentina, Estonia, and Greece*, and double the usual rate of pay is granted in *Mexico*.

#### (b) *Regulations fixing Different Rates*

In no country is the overtime rate prescribed by the legislation lower than time and a quarter. It is generally higher than that figure for overtime in excess of a certain limit or performed at night, on Sunday, or on a public holiday.

In *Belgium* and in *Poland*, time and a quarter is payable for the

first two hours of overtime on working days and time and a half thereafter. The Belgian legislation prescribes double remuneration for overtime on Sundays, and in Poland time and a half is payable. The *Brazilian* Decree concerning land transport undertakings provides that double pay must be granted for overtime on Sundays.

In *Finland*, *Latvia* and the *U S S R* the overtime rate for the first two hours must be not less than time and a half, and double rates are payable thereafter. In *Latvia*, time and three quarters is paid for overtime on Sundays and public holidays, and double rates are paid in the *U S S R* for work on rest days and public holidays.

When the overtime rates of pay are fixed by arbitration award, collective agreement or the decision of a joint body, they vary not only according to the number of hours of overtime and the time of day or day of the week, but also according to the district and the class of workers concerned.

Rates lower than time and a quarter are infrequent, but in certain cases, as was mentioned above, the regulations do not prescribe an increased rate of remuneration for the first hours of overtime.

In *Great Britain* collective agreements or the decisions of the Joint Board prescribe in certain cases that the drivers of vehicles transporting goods must be paid  $12\frac{1}{2}$  per cent more than the normal wage for the first 8 hours of overtime in excess of 48 hours a week. In *Germany* the collective rules for transport and removal undertakings and for short-distance transport undertakings fix the rate of remuneration for the first hour of overtime at 10 and 15 per cent respectively above the normal rate. In *Italy* certain collective agreements provide for an increase of 20 per cent in the rates of pay for the first two hours of overtime. In those three countries, however, the normal overtime rate on working days is time and a quarter.

This same rate is generally paid for the first two hours of overtime on working days. This is the case in *Australia* (Victoria and Western Australia), for the drivers of passenger vehicles in *Great Britain* (municipal bus services, the London bus service and provincial passenger transport undertakings), for the workers in municipal undertakings in *Luxembourg*, and for the drivers of vehicles in general in *Sweden*. The same rate is also applied in *Great Britain* for overtime in excess of 8 hours a week for the drivers of goods transport vehicles.

Generally speaking, the rate of pay for overtime in excess of 2 hours a days or for overtime at night, on Sundays or on public



holidays is higher than time and a quarter. There is one point to be noted in connection with overtime on Sundays. The drivers of passenger vehicles may not be entitled to any increase in pay for such work (for instance, in the State of Victoria, in *Australia*) or they may be granted a lower rate of overtime pay than that applied on working days (for municipal bus services in *Great Britain*, for example). On the other hand, overtime worked on Sundays by the drivers of motor lorries is considered as being exceptional and the rate of overtime pay is therefore always higher than that paid on working days.

In some countries time and a half is payable for overtime on working days. This is the case in *Australia* (New South Wales and Queensland), *Canada* (British Columbia, Manitoba, Ontario and Quebec), *New Zealand* (drivers of vehicles in general), *Portugal* (urban passenger transport services), and the *United States* (bus and lorry drivers).

Time and a half is payable for overtime at night, on Sundays and on public holidays in *Canada* (Quebec), for the drivers of goods transport vehicles in *Great Britain*, in *Italy* (30 to 70 per cent increase according to circumstances), for workers in municipal undertakings in *Luxemburg*, for various classes of workers in *Sweden*, and for the drivers of goods transport vehicles in the *Union of South Africa* (public holidays only).

Double rates are paid for overtime in *Australia* (Queensland) when the workers are employed in shifts, the same rate is payable for overtime on Sundays and public holidays in *Australia* (New South Wales) in *Canada* (Quebec) for motor-bus drivers, in *Great Britain* (from time and a third to double rates) for goods transport drivers, in *Spain* (60 to 100 per cent increase), in the *Union of South Africa* (Sundays only), and in the *United States* (in certain cases). In *Luxemburg* double rates are payable for overtime at night in the case of municipal workers, in addition, a rest period of equivalent duration must be granted as compensation.

## § 6 — Compensatory Rest Periods

As an extension of hours of work involves a loss of part of the rest period, it is only reasonable to grant compensation to the workers. As has been seen, this compensation may take the form of an increased rate of pay or of an equivalent rest period. It is this latter system that is being considered here.

The extensions for which compensatory rest is granted are not very frequent, and have been referred to in different sections of this chapter. It will suffice here to recall that in certain regulations no special circumstances are laid down in which this system should be applied, but it is prescribed that it should be preferred to the system of increased rates of pay for overtime. In *Switzerland*, for instance, under the transport legislation, considerable use is made of compensatory rest periods, and it is provided that cash compensation should be paid for overtime only when the conditions of service do not permit of a rest period being granted as compensation. A compensatory rest period may be granted when the hours of work in any period of 14 days exceed 9 in the day on an average, or when the average period on duty exceeds 10 hours. Including the compensatory rest period, the maximum hours of work are 10 in the day and the maximum period of duty is 14 hours. According to this legislation, it is not necessary to grant a compensatory rest period if the worker agrees to accept cash payment for overtime, but the worker is not permitted to waive his right to compensatory rest for more than 150 hours in any calendar year.

In *Germany* certain collective rules prescribe that in taxi undertakings an increased rate of pay is not payable for overtime unless it is impossible to grant compensation in the form of rest periods. In motor-bus services the increased rate of pay in respect of overtime is withheld until 28 February, up to that date a compensatory rest may be given for any overtime worked during the preceding year. After that date the increased rate of pay must be paid in respect of all overtime for which no compensatory rest was granted.

In some cases an increased rate of remuneration and a compensatory rest are both granted. In *Luxembourg*, for instance, a collective agreement for municipal workers provides that a higher rate of remuneration must be paid for overtime and that a rest period of equivalent length must subsequently be granted.

The granting of a compensatory rest may be used as a means of preventing excessive overtime and also of increasing the opportunities of employment.

In *Norway* a collective agreement applying to the drivers of vehicles stipulates that wherever possible compensation for overtime should be granted in the form of an equivalent period of rest so as to provide employment for some unemployed person who can replace the worker on rest. For this purpose the rest periods are fixed by negotiation between the employer and the representatives

of the workers, but they may be withheld by agreement between the parties if any difficulties arise

In some countries, such as *France* and *Switzerland*, a compensatory rest is granted only if the extension of hours was due to (I) accidental causes, such as a breakdown or unforeseen delay or an unexpected absence of staff, or (II) exceptionally heavy traffic

## I COMPENSATION FOR EXTENSIONS ON ACCOUNT OF ACCIDENTAL CIRCUMSTANCES

The *French* Decrees concerning motor-bus services attached to tramway companies and the passenger transport services for Paris and district prescribe that a rest period must be granted in compensation for any extension of hours required for the prevention of accidents, or overcoming their consequences, or for the organisation of rescue or salvage work

The *French* Decree concerning land transport undertakings authorises an extension of two hours a day for the repair of broken-down cars. Compensation for such overtime may be granted in the form of a rest period, which must be at least one-and-a-quarter times as long as the extension of hours

The *Swiss* legislation prescribes that when the maximum hours of work or the maximum period of duty are exceeded by more than a quarter of an hour because a train or other vehicle is late, or as the result of some other unavoidable cause, a compensatory rest must be granted during the next three working days. It also prescribes that, subject to the granting of such a rest period, the period of duty may be extended to not more than 15 hours in the case of a shortage of staff through sickness or military service or for other imperative reasons

A *Swedish* collective agreement concerning the drivers of hackney carriages also provides that a compensatory rest period of equivalent duration must be granted for extensions due to the sickness or absence of workers

## II COMPENSATION FOR EXTENSIONS DUE TO EXCEPTIONALLY HEAVY TRAFFIC

The *Swiss* transport legislation provides that in the event of heavy seasonal or periodical traffic, hours of work may be extended, after consultation with the workers, by one hour a day for not more

than five months in the year, provided that a compensatory rest period is granted during the other months of the year. As such an extension does not increase the total number of hours worked in the year, it may also be regarded as a form of uneven distribution of hours of work, an observation that may in fact be made in all cases where an equivalent compensatory rest is allowed.

### § 7 — Suspension of the Regulations

When the public interest so requires, hours of work may be extended or the application of the legislative provisions may be suspended, or both of these steps may be taken at once, according to the gravity of the circumstances. The extension of hours was dealt with in the first part of this chapter.

The total or partial suspension of the legislation on hours of work is a measure which may prove necessary when the safety or existence of the nation is threatened. The most serious case of this type is that of war, when the whole country has to adapt itself to a new situation and the application of the hours of work legislation may be suspended, irrespective of whether provision for the suspension is made in the legislation itself or derives from the provisions of the Constitution.

In *Argentina*, *Belgium*, *Luxemburg*, and *Rumania* a clause in the general legislation concerning hours of work provides for its total suspension when national safety or the vital interests of the country is seriously menaced.

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## CHAPTER V

### REST PERIODS

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The elasticity noted in the regulations on hours of work is also to be found in the provisions relating to the organisation of rest periods in the transport industry. This, of course, is due to the necessity, which is felt more particularly in passenger transport undertakings, for night work and regular work on Sundays and public holidays. The question of rest periods is thus closely allied with the problem of hours of work, but while this is so, the number of special points raised justifies a separate study of the whole question. In the following sections of the Report the questions of daily rest and night work, weekly rest, and work on Sundays and holidays are discussed.

#### § 1 — Daily Rest and Night Work

In contrast with the organisation of labour in industry, which generally enables rest to be taken at night, regular work in road transport must frequently be carried out at night, even when it is not necessarily of a continuous character. This is the case more particularly in certain branches of passenger traffic. In motor-bus services in towns, for example, the spread of the daily hours of duty is considerably longer than the individual working day of the staff. As a rule, the services open at a very early hour and close late at night. Continuous work which must be carried on uninterruptedly day and night is rather exceptional in road transport undertakings. Taxi-cab and hackney-carriage undertakings, as well as the motor-bus services of certain large towns, are about the only examples of this kind of work. On the other hand, goods transport is organised in conditions very similar to those existing in industry. Except for certain products of prime necessity or of a highly perishable nature, this class of transport need not necessarily be carried out at night, and as a

rule the daily rest period may include the night hours. A second exception arises in connection with long-distance goods traffic, which is sometimes organised continuously by day and by night. In this case the vehicles are generally manned by two drivers, who relieve each other at the wheel.

In view of the necessity for certain classes of workers employed in road transport to work regularly at night, many regulations prescribe a minimum daily rest without requiring it to coincide with the night period. The following survey therefore begins with the provisions governing the length of the daily rest and the possibilities of reducing it in certain circumstances, and then analyses the special provisions relating to night work, with particular reference to the definition of the night period and the methods of payment for work done at night.

## I MINIMUM LIMITS FOR THE DAILY REST PERIOD

Most of the regulations fix a minimum period of daily rest, which comprises the period between the end of a spell of duty and the beginning of the next spell. When such limits are prescribed, they fix the spread of the working day, a question discussed in Chapter III. Most of the regulations prescribe a minimum number of hours of rest a day, without insisting on any coincidence with night hours. In some cases the regulations even state that no such coincidence is necessary (*New Zealand*). In other countries, on the contrary, a desire is expressed that the daily rest should be taken at night as a rule or whenever possible (*Australia* (New South Wales), motor drivers' award, *Switzerland*, Order relating to professional drivers of motor vehicles). A third method consists in allotting to the workers a certain number of free nights in a given period. This question is discussed in the section dealing with night work.

### 1 *Uninterrupted Daily Rest*

As a rule, the daily rest must be taken as an uninterrupted period, with the result that the limits laid down by the regulations represent a number of consecutive hours of rest.

Uninterrupted daily rest periods may be classified in three groups according to their length: 8-9 hours, 10 hours, 11-13 hours. Provision is made for a 10-hour daily rest in a very large number of national regulations.

(a) *10-hour Period*

Provision is made for a minimum daily rest period of 10 hours in the following regulations

*Australia* (Victoria and Western Australia, Transport Acts; New South Wales and South Australia, Government bus services), *Austria* (collective agreements for lorry drivers and staff of passenger transport services), *Brazil* (general legal provisions), *Germany* (certain collective rules for taxis), *Great Britain* (general legal provisions), *Ireland* (general legal provisions), *New Zealand*; *Poland* (legal provisions), *Switzerland* (minimum length, the average length being fixed at 11 hours, Transport Order), *United States* (several collective agreements for drivers of motor buses)

(b) *Longer Periods (11-13 hours)*

Rest periods longer than 10 hours are granted in the following countries

*Australia*, 12 or 13 hours (New South Wales, motor drivers' award), *France*, 12 hours (urban motor bus services other than those of the Paris area, all undertakings covered by the Decrees relating to land transport and funeral undertakings), *Great Britain*, 12 hours (passenger transport), *Netherlands*, 12 hours, with the possibility of reduction to 10 hours, once or three times a week according to the class of transport), *Spain*, 12 hours (Barcelona, passenger transport services and goods transport, when the daily run exceeds 300 km), *Switzerland*, average of 11 hours, 10½ hours if the staff has service quarters in the vicinity of the workplace, 12 hours, whenever circumstances permit (Act and Orders relating to the transport industry), 11 hours (Factory Act, the provisions of which cover drivers of vehicles drawn by animals)

(c) *Shorter Periods (8 or 9 hours)*

The following regulations have adopted a limit of 8 or 9 hours for the daily rest

*Australia*, 8 hours (Queensland and Western Australia) drivers' awards, New South Wales, motor buses not belonging to the Government), *Canada*, 9 hours (Quebec), *Germany*, 9 hours (certain collective rules for taxis), *Spain*, 8 hours (numerous standards of employment, passenger transport by bus or coach and public transport throughout the country), *Sweden*, 9 hours (collective agreements for taxis in Goteborg), *Union of South*

*Africa*, 8 hours (passenger transport by bus or coach in the Cape Province)

## 2 *Total Rest during the Day*

In some cases the regulations, besides fixing the length of the uninterrupted daily rest period, also lay down the total minimum amount of daily rest. The difference between these two limits represents the aggregate length of the breaks which must be granted during the day.

Provisions of this sort are found, for example, in *Czechoslovakia*, *Switzerland*, and the *U.S.S.R.*

In *Czechoslovakia* the drivers of all motor vehicles, including drivers of private vehicles, are entitled to 12 hours' rest a day, 8 of which must be taken at night. In *Switzerland* the Order regulating the hours of work and rest periods of professional drivers of motor vehicles lays down a daily rest of 11 hours, including 9 consecutive hours. In the *U.S.S.R.* the daily rest and the midday meal interval taken together must be at least twice the length of the hours actually worked on the day preceding the daily rest. (If, for example, 7 hours were actually worked and the midday break was one hour, then the daily rest period may not be less than 13 hours.)

## 3 *Reduction of the Daily Rest Period*

Some regulations authorise the reduction of the minimum daily rest period in specified circumstances. It may be allowed either to facilitate the change-over of shifts or the rotation of staff, or without any special reason, but provided that it is compensated later by a longer rest period. A third possibility is the authorisation of a reduction without any given reason and without compensation.

### (a) *Reduction of Rest Period in Case of Change-over of Shifts*

In § 6 of Chapter III reference was made to the necessity of extending hours of work or of reducing the rest period on days on which the shifts change over. To meet this necessity, some regulations authorise the reduction of the usual minimum rest period on such days, by fixing a shorter rest period on the day of change-over, or authorising a reduction without actually fixing its amount.

In *Australia* (New South Wales) an award for Government bus services authorises the reduction of the daily rest, without, however, fixing the extent of the reduction. In *Great Britain*, in the London passenger transport services, a reduction from 12 to 8 hours is authorised for the change-over of shifts. In the *Union of South*



*Africa*, under the passenger transport agreement for the Cape Province, the daily rest period may be reduced from 8 to 6 hours to allow for the change-over of shifts

(b) *Averaging of the Rest Period*

The calculation of the rest period as an average over a specified period is introduced for the same reasons as necessitate the use of a similar method in calculating hours of work or duty. It is sometimes used in practice to facilitate the change-over of shifts, but it has also wider uses, for recourse may be had to averaging when normal hours of work have to be exceeded in cases of unforeseen events, delays, accidents, etc. The right to average the rest period over a specified period implies reductions in the length of the daily rest, compensated by subsequent prolongations. The regulations fix the maximum reduction authorised and the time within which the compensatory rest must be granted.

The amount by which the average or minimum daily rest may be reduced is generally one or two hours, and in exceptional cases as much as three hours. The extra rest granted in compensation is generally longer than the actual reduction and thus obviously puts a certain check on the use of averaging.

As regards the period over which the average may be calculated, account must be taken of the fact that in most cases compensation must be granted not later than the following day or the two following days. In *Switzerland*, however, the rest period may be averaged over a period of two weeks in the case of workers covered by the Order relating to drivers of motor vehicles.

In *Australia* (Victoria and Western Australia) the usual daily rest period of 10 hours may be reduced to 9, provided it is increased to 12 hours on the following day.

In *Great Britain* the regulations contain similar provisions. For certain classes of passenger transport the rest period may be reduced to not less than 8 hours on one day in seven, provided that a rest period of 12 hours is granted to the staff on the following day and that the staff is allowed an interval of at least four hours at terminal points on the journey, this reduction may be made on two days in seven if the week includes a bank holiday. In *Northern Ireland* rest periods of 8 and 12 hours on two consecutive days are generally admitted. The corresponding periods in *Ireland* are 9 and 12 hours.

In *Switzerland* the daily rest may be averaged over a period of 3 days (Act and Order relating to transport) or over a period of

14 days (Order concerning professional drivers of motor vehicles)  
In the first case, the reduction of the daily rest period to 9 hours is authorised provided that the average length of the rest period is not less than 11 hours during the 3 days (10½ hours when the staff has service quarters in the vicinity of the workplace) A reduction of this sort is authorised in the following circumstances (i) in case of rest periods taken away from home, (ii) in times of heavy traffic and in case of shortage of staff due to illness, military service requirements or other reasons, (iii) in other cases, with the consent of the staff

In the case of professional drivers of motor vehicles, the average daily rest may be calculated over a period of two weeks The daily rest, which must average 11 hours (including 9 consecutive hours) may be reduced to 8 hours twice a week if the special nature of the service so requires and if compensatory rest is granted during the following week For drivers of hotel motor vehicles employed on short journeys, the average length of the rest period is 9 hours, but this may be reduced to 7 hours twice a week provided compensatory rest is granted during the following two weeks

(c) *Reduction of Hours without Specified Reason and without Compensatory Rest*

Some regulations authorise a reduction of the daily rest period without specifying the conditions in which a reduction may be made

In *Australia* (New South Wales) the length of the rest period in Government bus services may be reduced in case of emergency, but as a rule only when the following day is a public holiday

In the *United States* the regulations in force in the various States also authorise the reduction of the daily rest period in case of emergency

## II NIGHT WORK

As stated at the beginning of this chapter, there is practically no absolute prohibition of night work in road transport Sometimes it is prohibited in certain classes of transport, for example, goods transport or certain kinds of goods transport Even when the regulations prohibit night work in principle, they authorise it for transport which must be carried out without interruption by day and by night (taxis, motor-bus services in certain towns, etc) or extended into part of the night without being necessarily continuous (for example, passenger transport services)

On the other hand, a number of regulations aim at securing for the workers a number of free nights during a specified period, by requiring the daily rest to be taken at night

In addition to the prohibition of night work and the provisions requiring the daily rest to be taken at night, the regulations may contain provisions defining the term "night", the number of hours in a night shift, and the remuneration to be paid for night work. These aspects of the question are discussed below

### 1 *Prohibition of Night Work*

The absolute prohibition of night work is quite exceptional in all labour protection regulations, and any prohibition they contain generally applies to certain classes of workers, such as women and young persons. In some cases the road transport regulations have introduced it in connection with jobs which must usually be done during the daytime or for particularly arduous or dangerous work.

In *Australia* (Queensland and Victoria) the legislation prohibits all night work for carters, unless a written permission is obtained from the chief factory inspector.

In *Czechoslovakia* the drivers of private vehicles may not be employed on arduous work between 9 p. m. and 5 a. m.

In *Switzerland* the Order relating to professional drivers of motor vehicles prohibits all traffic by heavy motor vehicles engaged in goods transport between 11 p. m. and 4 a. m. from 1 April to 31 October, and between 10 p. m. and 5 a. m. between 1 November and 31 March. Provision is made for exceptions for fire brigade and other emergency services, the construction and maintenance of roads, the transport of machinery required in connection with accidents in undertakings, and in case of traffic accidents and breakdowns. Exceptions may also be authorised by the cantonal authorities for the transport of perishable goods or goods which are specially heavy or dangerous for traffic.

### 2. *Guarantee of a Specified Number of Free Nights*

In order to enable drivers to rest at night on a given number of days, the *Swiss Transport Act* prohibits night work on more than 7 consecutive nights or on more than 14 nights in a period of four weeks.

### 3 *Definition of the Night Period*

The night period is defined when the regulations contain provisions concerning the prohibition, general organisation, or payment

of night work The times fixed in the various countries vary considerably with the cases covered Whereas in industry the night is often held to begin at 8 p m , in road transport the corresponding hour is frequently fixed at 9 or 10 p m , and sometimes at 11 p m Similarly, the end of the night period varies greatly from country to country, it is generally fixed at 5 or 6 a m , but in some regulations it is established at 4 a m or even 3 a m The various regulations are classified below according to the hour fixed as the beginning of the night period, the time at which the night ends also being shown

(a) *Night Period beginning at 8 p m*

In *Germany* most of the collective rules for industrial and commercial undertakings, and in *Mexico* the Federal Act, define the term " night " as the period between 8 p m and 6 a m

(b) *Night Period beginning at 9 p m*

The night is defined as beginning at 9 p m in *Argentina* (9 p m - 6 a m ), *Czechoslovakia* (9 p m -5 a m ), *Luxemburg* (9 p m -6 a m , or 9 p m -7 a m ), *Poland* (9 p m -5 a m )

(c) *Night Period beginning at 10 p m*

The night is defined as beginning at 10 p m in *Brazil* (10 p m - 6 a m ), *Great Britain* (collective agreement for motor buses in London, 10 p m -4 a m ), *Italy* (collective agreements, 10 p m - 6 a m ), *Latvia* (10 p m -6 a m ), *U S S R* (10 p m -6 a m )

(d) *Night Period beginning at 11 p m*

In *Switzerland* the Transport Act defines the term " night " as the period between 11 p m and 5 a m

#### 4 *Length of Night Work*

The length of night work is sometimes fixed so as to define the length of regular night shifts in case of work organised in shifts or on a rotation system Hours of work at night may be the same as during the day, or they may be shorter or longer

The system of shorter working hours at night may be explained by the more arduous nature of night work A reduction of hours at night is therefore a measure of social protection similar to the payment of increased wages for night work

On the other hand the extension of night work beyond the hours usually worked in the day may be authorised when the remuneration

of the worker is not definitely fixed but depends on the number of journeys made. This is the case for drivers of taxis and other hired vehicles, whose work is usually much more intermittent at night than in the day. In order to equalise as much as possible the earnings of day and night workers, the latter are sometimes authorised to work longer hours.

The provisions of the regulations which prescribe reduced or longer hours for night shifts are discussed below.

#### (a) *Reduction of Hours of Work at Night*

Where such a reduction is authorised, the night shift is generally one hour less than the day shift.

In *Argentina* and *Mexico* night work carried out in one shift may not exceed 7 hours as compared with 8 hours for regular day shifts.

In *Brazil* the working hour at night is deemed to comprise 52½ minutes with the result that the night shift is 7 hours instead of 8 hours.

In the *U S S R* the duration of the night shift is one hour less than the day shift, even when the latter is reduced from 7 to 6 hours. If the work is done in two shifts, the length of the night shift is equal to that of the day shift.

#### (b) *Extension of Hours of Work at Night*

As already stated, the extension of hours of work at night is sometimes authorised in taxi-cab undertakings.

In *Denmark* the collective agreement for taxis in Copenhagen provides for a 14-hour spell of duty at night, as compared with 10 hours during the day.

In *Germany* some of the collective rules covering these undertakings fix the night shift at 13 hours, thus reducing the day shift to 11 hours.

### 5 *Remuneration of Night Work*

In view of the regular character of night work in certain branches of road transport, increased rates of wages for night work in such undertakings are not very common. In this connection a distinction must be made between night work carried out regularly in shifts or on a rotation system and day work which sometimes extends into the night. In the latter case remuneration for night work is generally fixed at a higher than the normal rate. In case of regular night work some of the regulations also make provision for an increase in wages, while others authorise payment at the normal rate.

Increased remuneration for night work is sometimes granted by considering each hour so worked to be longer than it really is (for example, each night hour is considered to consist of 68 minutes)

(a) *Remuneration at Ordinary Rates*

In *Germany* the collective rules for passenger transport services and for taxi-cab undertakings make no provision for increased rates for night work

In *Italy*, *Spain*, and the *Union of South Africa* (passenger transport services in the Cape Province) night work is not generally paid at increased rates of wages when it is carried out regularly by shifts or by a system of rotation

(b) *Remuneration at Increased Rates*

In countries which do not grant increased rates of wages for work regularly carried out in shifts, all other forms of night work are paid at increased rates

Some regulations, however, make provision for increased rates for all kinds of night work, whether regular or not. Finally, an intermediate system is to vary the rate of increase for night work according to the regularity of the work

*Increased rates for all night work* — Some regulations, while prescribing increased remuneration for all night work, do not specify the rate of the increase

This is the case for example in *Denmark* (collective agreements, an increase for all work begun before 4 a m), in *Northern Ireland* (collective agreement relating to passenger transport services in Belfast) and in *Greece* (lorries)

Most of the regulations, however, fix the rate of increase, which in certain cases is especially high where it is a question not only of night work but of overtime, that is to say, hours worked in excess of the statutory daily or weekly limit

In *Argentina*, for work done at night between 11 p m and 4 a m, the working hour is considered as having 68 minutes. Thus, 7 hours of night work are equivalent for purposes of remuneration to about 8 hours of day work

In *Australia*, in New South Wales, regular night work is paid at 5 per cent more than the regular rate. In South Australia, all work done by the travelling staff of motor buses between 1 a m and 5 a m is paid at double the usual rate

In *Great Britain* (London motor-bus service) time and a quarter is paid for all work done between 10 p m and 4 a m, in *Northern Ireland* (passenger transport services) double time is paid

Provision is also made for the payment of double time in *Norway* (collective agreement relating to coal importing undertakings in Oslo) for all work begun after 9 p m

In the *U S S R* the rate of increase varies according as the work is carried out by one or more shifts. When there is only one shift, the rate is time and one seventh if the worker works 8 hours, time and one sixth if he works 7 hours, and time and one fifth if he works 6 hours. Workers paid at piece rates receive an increase of one-seventh, one-sixth or one-fifth of the hourly wage for their wage class in respect of every hour of night work.

When the work is carried out by several shifts the rate is time and one seventh for staff working 8 or 7 hours and time and one fifth for staff working 6 hours. Workers employed at job rates receive an increase of one-seventh of the hourly rate for those working 8 or 7 hours, and one-fifth for those working 6 hours.

A special increase for overtime worked at night is paid in *Australia* under several arbitration awards (time and a half) and in *Luxemburg* under the Act (double time).

### 6 *Compensatory Rest Period*

In a few isolated cases the regulations make provision for compensation for night work by granting corresponding rest periods.

In *Argentina* workers employed in road transport undertakings are entitled to a rest period equivalent to one working day for every 7 spells of night work.

In *Sweden* a collective agreement for hackney carriage undertakings states that workers employed at night are to be granted a rest period from 8 to 11 a m on the following day.

### § 2 — *Weekly Rest and Sunday Work*

The regulations on hours of work mention two kinds of days on which the workers must, as a rule, be completely free from work. These are the weekly rest days prescribed for the various classes of workers and kinds of work, and statutory public holidays.

The number of public holidays and their dates depend on the religion, traditions and customs of the various States, and consequently vary from one country to another. The fact that public holidays reduce the number of hours worked every year, especially in countries where time so lost may not be made up, must have an influence on regulations relating to hours of work.

and rest periods But public holidays vary so greatly in the different countries that an international study of rest periods cannot possibly be extended to a consideration of the exact number and dates of public holidays in all countries

Moreover, it may be noted that the general regulations governing public holidays usually apply to the workers as a whole and do not vary according to occupation or industry, whereas the regulation of periodical rest periods is closely bound up with occupational problems, including that of the necessity for work on Sunday, and naturally varies with the nature of the industry and the occupation of the workers

The present chapter will therefore deal solely with the question of the regulation of the weekly rest, public holidays being considered only when they are the subject of special legal provisions, and in particular when these differ from the provisions concerning the periodical rest days, but no attempt will be made to give the number and dates of public holidays fixed by the various regulations

The main difficulty in the regulation of the weekly rest arises from the necessity of allowing work on Sundays and other days allotted for weekly rest This necessity is common in road transport Regular passenger transport services, taxi undertakings, and other forms of passenger transport, and the transport of articles for immediate use and perishable goods, cannot be interrupted on Sunday and call for the organisation of work in shifts or on a rotation system extending over the seven days of the week In such circumstances it is clear that all the workers cannot have a free Sunday every week Furthermore, so far as passenger transport services are concerned, traffic is frequently more intense on Sundays than on weekdays, and this sometimes necessitates the working of longer hours on Sunday

Certain aspects of Sunday work have already been discussed in § 6 of Chapter III (Shift Work), where a study was made of the conditions in which work in road transport may be extended over the seven days of the week

Again, certain kinds of subsidiary work, such as the tending of horses, are generally carried out by the travelling staff on Sundays just as on any other day In certain countries the upkeep of vehicles is also considered as subsidiary work which must be performed every day, nevertheless, when no regular work is authorised on Sunday, the upkeep of vehicles should also be suspended on Sunday except in the case of repairs required to



secure a continuance of transport. This latter case may, however, be considered as exceptional, and it is from this angle that it is discussed in the Chapter IV, dealing with extensions of hours of work (accidental causes).

The kinds of work authorised in road transport on Sunday may therefore be divided into

- (1) Work regularly done on Sunday, that is to say, work done within the statutory weekly working hours calculated in the usual way or as an average over a period exceeding one week,
- (2) Subsidiary work which usually extends beyond the weekly limits and which requires a permanent extension of working hours, this question is closely connected with that of overtime

Once these kinds of work are admitted, the weekly rest period cannot be granted every week on the same day for the whole of the staff of an undertaking. The regulations must fix and distribute weekly rest days for the workers so as to secure a regular sequence, and they must also contain special provisions concerning the subsidiary work that has to be carried out on Sunday.

Another problem is the establishment of weekly rest days over a given period so that each worker employed on a shift or rotation system may take his weekly rest on Sunday as often as possible, this obviously necessitating the establishment of rest periods in rotation. This system allows all workers to have a number of free Sundays in a given period and to earn wages, sometimes at increased rates, for Sunday work, when their turn comes for such work.

The organisation of subsidiary work raises a similar problem, namely, the allocation in a given period of a certain number of free Sundays for staff employed on such work.

Another question connected with the weekly rest is the organisation of a Saturday half-holiday. Here again, the regulations cannot be absolutely rigid, for in road transport Saturday work is quite as necessary as Sunday work. In England, for example, road traffic is heaviest on Saturday and not on Sunday.

The question of weekly rest was dealt with in the International Draft Convention of 1921 concerning the application of the weekly rest in industrial undertakings, which applies also to the transport

of passengers or goods by road. The Convention requires that the workers shall receive a 24-hour rest period in every period of seven days. This rest period must, wherever possible, be granted simultaneously to the whole of the staff of each undertaking and, wherever possible, coincide with the days already established by the traditions or customs of the country or district. The Convention provides for the possibility of excepting persons employed in family undertakings from the scope of these provisions, and for other exceptions, total or partial (including suspensions or diminutions), special regard being had to all proper humanitarian and economic considerations. Provision must be made as far as possible for compensatory rest periods for any suspensions or diminutions allowed.

## 1 METHOD OF FIXING WEEKLY REST DAYS AND PAYMENT OF SUNDAY WORK

Some regulations fix the weekly rest day indirectly by the weekly or daily limitation of hours of work. In such cases they merely establish the number of days over which weekly hours of work must be distributed, almost without exception, a period of six days is stipulated.

Sometimes, also, the regulations fix the weekly rest in an indirect or negative manner, by prohibiting Sunday work as a general rule.

In other cases the regulations establish the weekly rest day directly, by fixing the number of days' rest in a given period. Regulations of this sort are quite common, and nearly all of them provide for one rest day a week, that is to say, for six working days and one rest day. Sometimes the number of free days is established for periods exceeding one week and this gives a certain elasticity to the regulations. In the *United States*, for example, collective agreements covering drivers of motor buses allow 4 free days in every period of 28 days.

With regard to the choice of the rest day, two systems are used in the regulations. The regulations may provide for one rest day a week, not necessarily on Sunday, in which latter case they often stipulate that when work is done on Sunday another free day must be granted during the same week. Or they require the rest day to fall, as a rule, on Sunday, either by prohibiting Sunday work or by stating that as a rule or as far as possible the weekly rest must be taken on Sunday.

An intermediate method, favoured in regulations special to road transport, consists in fixing the number of rest days which in a given period must fall on Sunday

A number of regulations also fix the minimum period of rest when fixing the number of free days in a given period. In the majority of such cases the minimum rest period is 24 hours, which corresponds to that prescribed by the Weekly Rest (Industry) Convention of 1921. In many cases the rest period is longer (36 hours), but it is never shorter unless by way of special exception. The beginning and the end of the rest period are often specifically mentioned, for example, from midnight on Saturday to midnight on Sunday. Most of the regulations stipulate that the weekly rest hours must be consecutive, while sometimes admitting exceptions to allow the rest period to be broken up in specified contingencies.

A question closely connected with the weekly rest is that of the Saturday half-holiday. A distribution of hours of work over the different days of the week which allows working hours on Saturday to be reduced in comparison with other weekdays is sometimes provided for indirectly in regulations of a flexible nature. Such regulations limit weekly hours but fix a maximum daily limit higher than the average or no daily limit at all.

In certain cases the regulations definitely state that hours of work on Saturday must be shorter than on other weekdays.

As to the remuneration of Sunday work, some regulations make provision for a system of compensatory rest or for increased rates of pay.

The system of compensatory rest is very common. In cases where staff are required to work regularly in shifts on Sunday and are entitled to another day off during the week, compensation simply means that another day than Sunday is granted as a rest-day. In this case, the question of compensatory rest cannot be separated from that of the arrangement of rest days and their coincidence with Sunday.

On the other hand, compensation for overtime in excess of the statutory weekly hours (subsidiary work done on Sunday), is more in the nature of remuneration for overtime.

Increased rates of pay for Sunday work may be granted both for work done in regular sequence and for subsidiary work. But only in rare cases is regular Sunday work paid at increased rates. It is difficult to ascertain in most cases whether the increased rates for overtime on Sunday are also paid for subsidiary work. Some

regulations make provision for the payment of a guaranteed lump sum for subsidiary work done on Sunday

Some regulations authorise Sunday work necessitated by accidental circumstances, cases of this kind being discussed in Chapter IV (Extension of Hours of Work)

## II LIMITS FOR WEEKLY REST AND SUNDAY WORK

### A. Length of Weekly Rest

Some regulations establish the length of the weekly rest by fixing the number of hours included in the rest period, while others fix the time at which the period of rest begins and ends

The question of the length of the weekly rest is connected with that of the Saturday half-holiday, and consequently with the distribution of weekly hours of work over the various days of the week

#### 1 *Number of Hours included in the Rest Period*

The period of rest most frequently met with in legislation and collective agreements is 24 consecutive hours. Some regulations state that this period must fall between midnight on Saturday and midnight on Sunday. A 24-hour weekly rest period is granted in the following countries

*Austria, Brazil, Canada* (a collective agreement in Winnipeg), *France, Germany* (drivers of motor buses and coaches in certain districts have a 30-hour rest) *Greece, Ireland, Italy, Luxemburg* (36 hours at Dudelange and Esch), *New Zealand, Norway, Spain, Sweden, Switzerland, and Uruguay*

A maximum rest period of 24 consecutive hours was established in *France* by the Labour Code and this provision has never been cancelled. But the reduction of the working week and the distribution of the hours of work over the working week introduced by the Forty-Hour Week Act and the corresponding administrative Decrees, have led to the weekly rest being increased to not less than 36 hours (on one or two rest days a week)

In *Switzerland* the 24-hour rest period must be immediately or closely preceded by a daily rest period of at least 9 hours, which means that night work may not immediately precede the statutory weekly rest due to each worker

The length of the weekly rest is 30 hours in the *Netherlands*, 32 hours in *Czechoslovakia*, 34 hours in *Belgium* (Order concerning

hours of work of drivers employed by the State railways), 36 hours in *Estonia* (24 hours on public holidays), 36 hours in *Luxemburg* (at Dudelange and Esch) 39 hours in the *U S S R*, and 40 hours in *Latvia*

## 2 *Saturday Half-holiday*

### *Direct Regulation*

Some regulations expressly recognise the principle of the Saturday half-holiday by prescribing shorter working hours on Saturday than on other days of the week

*British* legislation and collective agreements in *Norway* and *Sweden* distribute the 48-hour working week at the rate of  $8\frac{1}{2}$  hours on five days of the week and  $5\frac{1}{2}$  hours on Saturday

In *Argentina* the weekly rest period of 35 consecutive hours begins on Saturday at 1 p m

In *Australia* (Queensland) the legislation provides for the distribution of a 44-hour week over  $5\frac{1}{2}$  days. Generally, this system is adopted for all classes of goods transport in Australia

In *France* the three Decrees relating respectively to land transport, tramways and motor buses, and general undertaking allow the 40-hour week to be distributed in different ways, while establishing a daily maximum of 8 hours and a Saturday half-holiday

In *New Zealand* the drivers' award states that working hours must be shorter on one day of the week than on the other five days

### *Indirect Regulation*

In certain cases the reduction of hours of work on Saturday may result from the elasticity of the regulations. The flexible distribution of hours of work has obviously other aims than the mere establishment of a half-holiday on Saturday, for example, it may be a means of making up lost time, etc. Moreover, workers covered by flexible hours of work regulations do not always receive a Saturday half-holiday. For these reasons, attention is called to the various systems of flexible distribution only with a view to emphasising those which allow a reduction of hours worked on Saturday below the usual average length calculated for a period of one week

(a) *Weekly limit without daily limit* — This method of limiting hours of work is provided for by the legislation of the following countries

*Australia*, 44 hours a week (New South Wales), *Austria*, 48 hours, *Mexico*, 48 hours (which may be distributed unequally over the

week so as to secure a Saturday half-holiday), *Uruguay*, 48 hours. The same system is also used in certain collective agreements in *Czechoslovakia*, which provide for a weekly aggregate of 48 hours which must be distributed over the various days of the week, after agreement between the management of the undertaking and the staff.

In *Spain* the legal provisions relating to road transport allow the weekly limit to be extended to 72 hours, without fixing any daily limit.

(b) *Weekly limit combined with daily maximum* — This method is frequently used by the regulations. It consists in fixing a weekly limit to hours of work and a daily maximum which may not be exceeded and which is generally 9 or 10 hours.

A weekly limit of 48 hours, with a daily maximum of 9 hours, is established by the legislation of the following countries: *Canada*, *Estonia*, *Italy* (national collective agreement for public motor vehicle services managed by the municipalities), and *Spain*.

A weekly limit of 48 hours, with a daily maximum of 10 hours, is in force in *Australia* (New South Wales, weekly limit of 44 hours, Western Australia, 48 hours), *Belgium*, and *Brazil*.

In the *United States* the federal safety regulations provide for a maximum period of duty of 60 hours a week and 15 hours a day.

## **B. Cases in which Work on Sundays and Public Holidays is allowed**

### **1 *Work necessarily Continuous during the Seven Days of the Week***

As already stated, certain branches of road transport cannot be interrupted on Sunday and necessitate the organisation of work on a system of rotation or shifts during the seven days of the week. Some regulations specifically define these classes of work, while others merely fix the rest days and the limits for regular work executed on Sunday without otherwise defining the nature of the work. Work indicated as being necessarily continuous by the various regulations includes passenger transport (by bus or coach, private vehicles, and taxis), the transport of goods for immediate use or of a perishable nature, and funeral undertakings. Goods transport by lorries belonging to industrial and commercial undertakings may easily be suspended on Sunday, and some regulations (*United States*, *Uruguay*) even specify that this class of work must not be carried out on Sunday. In some cases, however, such work,

together with work necessitated by unforeseen circumstances, is considered as supplementary work, and authorised subject to payment at increased rates. In this case it is a question of overtime and its payment, and not of regular Sunday work.

The different systems adopted by the regulations are classified below according to the number of rest days established for a given period.

#### (a) *One Rest Day a Week*

Most of the regulations, while recognising the need for Sunday work, adhere to the principle of one rest day a week. This principle may be applied in two ways: by a rigid system which provides for one rest day a week without making any other stipulation, or by a flexible system, which consists in the distribution of rest days over a period exceeding one week, on the understanding that an average of one rest day a week is granted during such period. In both cases the regulations often require a certain number of rest days to coincide with a Sunday.

##### *Rigid system*

Some regulations fix a weekly rest day for all branches of road transport. In many cases the regulations stipulate that as a rule, or whenever possible, this day must fall on a Sunday, or that when regular work is carried out on Sunday, a compensatory rest day must be granted during the week, but give no further instructions on this matter.

This method is adopted in the following countries:

*Argentina, Brazil, Canada, Czechoslovakia, Denmark* (drivers of motor buses belonging to the State railways), *Finland, Greece, Ireland, Luxemburg, Mexico, Poland, Union of South Africa*

More detailed provisions are contained in the regulations of the following countries:

In *Australia* (New South Wales) two rest days in every four must coincide with Sunday, while double time (instead of time and a half) must be paid for all Sundays worked in excess of two per month.

In *Austria*, for drivers of private motor vehicles, undertakings hiring out motor vehicles, and concerns owning motor buses or coaches, taxis or cabs, the 24-hour weekly rest may be broken up into two periods of six hours each, preceded or followed by a free night. Workers may not be employed on two consecutive Sundays.

In *France*, in land transport undertakings, the 40 hours of weekly work may be distributed over five days (8 hours a day) or over six days (6 h 40 min a day). In this way the workers obtain one or two rest days a week. The Decree relating to the passenger transport services of the Paris area also authorises the application of these two systems for different classes of staff. For inspectors, the 40 hours are distributed over five working days, with an average of two rest days a week. Rest days are granted in rotation, they are taken consecutively in each week, and may be joined on to the rest day of the preceding or following week, in which case the worker has three consecutive rest days. Not more than six working days may divide two consecutive rest periods. For drivers and conductors weekly hours are distributed over the six days of the week. When the statutory weekly hours are exceeded by as much as 6 h 40 min, compensatory rest must be granted and taken together with a regular rest period.

In *Germany* (Saxony and Lower Saxony) the collective rules for drivers of motor buses and coaches require the weekly rest day to coincide with a Sunday at least once every eight weeks.

In *Great Britain* the London Passenger Transport Board's agreement provides that as a rule the number of rest days taken on consecutive Sundays may not exceed nine. For rest days taken on weekdays the agreement prescribes a system of rotation which extends from Monday to Friday and, where possible, to Saturday. When a worker whose last rest day was Friday is required to work on Saturday of the following week, he must be paid at time-and-a-half rates.

In *Italy* drivers who, for service reasons, are required to work on the usual weekly rest day are given the following day off.

In *Latvia* the weekly rest may not average less than 40 hours over any period of two weeks, the minimum rest period being fixed at 32 hours.

In *Norway* staff must be free one Sunday in two whenever possible, and in any case one Sunday in three. A collective agreement for drivers in passenger and goods transport states that all workers must be able to take the same number of rest days on Sunday.

In the *Netherlands* drivers of taxis and motor buses plying for hire, who are entitled to a weekly rest of 30 hours, must take 23 hours of such rest on the same day. This 23-hour period must coincide with a Sunday once in every three consecutive weeks.

In *New Zealand* all drivers of the same undertaking must have the same number of free Sundays. Workers engaged in the cartage



of milk must have two afternoons off each week, and on days on which they have an afternoon off they may not be required to work more than 4 hours in the morning, and in any case not later than noon. Whenever possible, the same number of free days must be granted to all workers.

In *Spain* workers may not be employed on more than two consecutive Sundays.

In *Switzerland*, in the case of drivers of motor vehicles belonging to hotels, the 24-hour rest may be reduced in seasonal undertakings to half a day during a period not exceeding two months. In undertakings open throughout the year, the weekly rest day must coincide with a Sunday or public holiday at least four times per half-year. This provision does not apply to the staff of undertakings delivering foodstuffs and drink for consumption on the premises when such staff is entitled to eight days' holiday with pay during the year, of which at least two days coincide with a Sunday or public holiday.

In *Sweden* a collective agreement concerning motor coaches states that when the driver has had to waive his right to a day's holiday he must be given compensatory rest or be paid at the rates laid down for overtime.

In the *United States* most of the collective agreements for drivers of large motor buses make provision for one rest day a week. In such cases weekly working hours are calculated over a period of eight days, which allows the staff to have a free Sunday in rotation.

In *Uruguay* drivers of private vehicles may take their weekly rest day in two parts (two half-days between 8 a.m. and 2 p.m.)

### *Flexible Regulation*

(1) *Distribution of rest days over a period exceeding one week* — In *Germany* the national collective rules for travelling staff in long-distance goods transport provide for two rest days every two weeks.

Some collective rules establish 54 rest days a year for drivers of taxis and vehicles for hire, and require half the number of rest days to be taken on a Sunday.

In the *Netherlands* drivers of motor buses and lorries, who are entitled to a weekly rest of 30 hours, must take 23 hours' rest on the same day. This 23-hour period must coincide with a Sunday at least once in every period of three consecutive weeks. When motor-bus drivers are unable to take their usual rest, compensatory rest must be allowed within three weeks, if the rest day which was

not taken was due to fall on a Sunday, the compensatory rest must be granted on a Sunday. Lorry drivers who are required to work on Sunday for not more than 4 consecutive hours are deemed to have taken the prescribed rest period provided they are able to rest at least 32 hours between the end of their work on Saturday and the beginning of the next spell of work, and provided they are not required to work on Sunday at least once in each period of three consecutive weeks. Drivers of private motor vehicles must be granted four free days a month, one of which must as a rule coincide with a Sunday.

In *Portugal* all staff employed in road transport undertakings are entitled as a rule to 52 rest days a year, which must generally be taken at the rate of one a week. When the rest day is not granted every week, the interval between two consecutive days may not exceed 15 days. Staff of urban passenger transport services employed on Sunday are entitled to a day's rest within the three following days.

*Sweden* — A collective agreement relating to hackney-carriage undertakings makes provision for four free days a month. The rest day must coincide with a Sunday at least once every three months.

In the *United States* a number of collective agreements for drivers of motor buses provide for four rest days a month or per period of 28 days.

In *Switzerland* workers are entitled to 56 free days a year, at least 20 of which must fall on a Sunday or public holiday. The worker should be able to spend his rest day at home. Intervals of more than two weeks between two rest days and of more than five weeks between two Sunday rests are to be avoided whenever possible. The rest days must be fixed in advance, but four may be taken at the worker's choice. As a general rule, the worker is not allowed to take more than three rest days consecutively. Professional drivers of motor vehicles are entitled to 52 free days a year, if possible at the rate of one a week. The rest period, which is usually 24 hours, may in cases of emergency be reduced to 20 hours on not more than 17 days a year. At least 17 rest days a year must fall on a Sunday or public holiday, so that in every period of three weeks the rest day must coincide at least once with a Sunday or a public holiday (an exception to this rule is provided for the holiday season in the case of motor-bus drivers).

(11) *Possibility of accumulating rest days during a given period* — In *Estonia* workers employed on work which must of necessity

be carried out on Sunday are generally entitled to one rest day a week. Sunday work is compensated by another day, or two half-days, during the same week, but compensation may also be granted in the form of a day's holiday with pay for every 8 hours of work. If any days of the yearly total of 52 free days are not taken when due, they may be taken subsequently, either together or separately.

In *Germany* (Cuxhaven) the collective rules for motor-bus drivers allow drivers who during a period of three months have been unable regularly to have a day's rest after six days' work, to take 13 free days consecutively during the same period.

In *Uruguay* drivers of private motor vehicles may accumulate and take their rest days for a period of three, six or twelve months.

(iii) *Distribution of rest days over a complete cycle of working and rest periods* — This method of regulation is used in *Belgium* in the Order covering drivers of motor coaches belonging to the State railways, and in *France* in the Decree for the application of the 40-hour week to tramway and motor bus services.

The cycle consists of a series of working periods, daily rests, and weekly rests, fairly distributed over the whole of the staff.

In *Belgium* the cycle covers a period of three months, and must be so organised that no spell of work exceeds 10 hours, and that the actual work carried out during the cycle does not average more than 8 hours a day and 48 hours a week.

In *France* the cycle is the period in which all the workers are employed in turn in all the shifts in the same conditions. In tramway and motor-bus services, the work of staff employed on continuous work may be fixed at 8 hours a day for five days or at 6 h 40 min for six days a week. The period of seven days (six working days and one rest day) may be increased to eight days, including six days of 8 hours or seven days of 6 h 40 min, so as to allow the workers to take a rest day on Sunday in rotation. The average of 40 working hours a week is then established in the conditions fixed for the cycle. The working time-tables of persons engaged in continuous work, organised either in a single shift or in successive shifts, in a cycle covering all or part of the 24 hours of the day must be so organised as to allow the Sunday rest to be distributed equally throughout the year for the various workers. Whenever the cycle does not give a weekly average of exactly 40 working hours, the average must be re-established by a compensatory rest added to a periodical rest as soon as the total excess amounts to one working day. If the working-week is distributed

over five days, the compensatory rest must be attached to the two days of periodical rest

(b) *One Rest Day during a Period of Less than One Week*

The U S S R is the only country where this system is applied. Soviet legislation provides for an "uninterrupted week" of five days (four working days and a rest day) or of six days (five working days and a rest day). Workers take their rest day in rotation. In undertakings which have adopted the uninterrupted week of five days, the number of rest days granted to each worker may not be less than 72 a year, including rest days falling within the period of regular annual leave. In undertakings which have adopted a six-day week, the workers are entitled to a rest day on the sixth, twelfth, eighteenth, twenty-fourth and thirtieth day of each month. Workers employed in two or more than two shifts may accumulate weekly rest days over a maximum period of four working weeks. In this case the length of each weekly rest period, which is usually 39 hours, may be higher or lower than the average, but may not be less than 24 hours. The worker may not be deprived of his weekly rest on the day allotted to him, otherwise than in exceptional cases, when he is called upon to carry out indispensable repairs. In such cases he must be granted another rest day during the following two weeks. In no case may compensation in cash be granted for a rest day.

(c) *One Rest Day in a Period exceeding One Week*

The great majority of the regulations adhere to the principle of the weekly rest strictly speaking and fix one rest day a week more or less rigidly. Cases in which the regulations authorise less than 52 rest days a year are, in consequence, rather uncommon but some regulations do contain such provisions.

(1) *One rest day after seven working days* — This system is used for the most part by taxi undertakings and is applied in *Denmark* (taxi drivers), *Germany* (collective rules for taxi drivers in Harburg-Wilhelmsburg), and *Great Britain* (collective agreement in Scotland covering passenger transport).

This method must not be confused with the distribution of weekly hours of work over eight days (a *French* decree and certain collective agreements in the *United States*), a matter which was discussed under (a). In the latter case, the workers have one rest day a week, that is to say, one rest day for every six days of work, the calculation of weekly working hours over eight days being

intended solely to secure a fair arrangement of rest days for all workers. But, in the cases mentioned above, the workers are usually entitled to a rest day after seven and not after six days of work.

(ii) *One rest day in a period of two weeks* — In *Belgium*, in road transport in general, staff may be employed 13 days out of 14 or  $6\frac{1}{2}$  days out of 7, the rest day or two half-days of a fortnight need not necessarily be taken on a Sunday.

In *Germany* the collective rules for taxi and motor-bus undertakings in Dusseldorf, for local transport in Schleswig-Holstein, and for removal undertakings in Saxony allow the workers a day off for every second Sunday worked.

In *Greece* drivers of private motor buses are entitled to a day off every fortnight.

(iii) *Annual holiday instead of regular periodical rest* — In *Australia* (New South Wales) milk carters employed on certain classes of work on Sunday are entitled to an annual holiday of seven days with pay.

#### (d) *Compensatory Rest for Regular Work on Public Holidays*

The direct authorisation of compensatory rest for regular work on public holidays is very uncommon. In certain cases, however, workers entitled to compensatory rest for Sunday work also seem to have the right to compensatory rest for work done on public holidays, especially when the regulations prohibit work on public holidays in the same way as Sunday work.

Rather more detailed provisions on this matter are included in the regulations of the following countries.

In *Luxemburg* workers employed by municipal establishments of the town of Luxemburg are entitled to a half-day (4 hours) of compensatory rest for all work done on official public holidays, irrespective of any increase in wages due for such work.

In *Mexico* work on public holidays is usually authorised but gives rise to equivalent time off.

#### (e) *The Remuneration of Regular Work on Sundays and Public Holidays*

As has already been shown, in most countries regular Sunday work is frequently compensated by time off.

In some countries there is a tendency to pay increased rates for work carried out on Sunday or a public holiday, even when such work is part of the regular work spread over the seven days of the

week and cannot be considered as overtime in excess of the usual working week. This is the case in most of the English-speaking countries, which prescribe increased rates for all work done on Sunday. This principle is also recognised by the Draft Convention of 1935 concerning hours of work in coal mines.

In *Australia* the regulations of most of the States require the payment of time and a half for regular work on Sundays and double time on public holidays in passenger transport services and certain branches of goods transport. In New South Wales Sunday work is paid at time and a half, and at double time if the worker is employed on more than two Sundays a month.

In *Canada*, *Great Britain*, *New Zealand*, *Spain* (carters in Saragossa), and the *Union of South Africa* increased rates of pay for regular work on Sunday and public holidays are granted for certain classes of work under the terms of collective agreements. In such cases, time and a quarter, time and a half or double time is paid, and as a general rule higher wages are paid on public holidays than on Sunday.

In *Italy* and the *U S S R* the legislation provides for the payment of double time for regular work on 21 April in Italy and on the five holidays granted in honour of the revolution in the *U S S R*.

On the other hand, some regulations definitely state that regular work on Sundays and public holidays must not be paid at increased rates (various standards of employment in *Spain*).

## 2 *Subsidiary Work*

As already stated, subsidiary work in connection with the upkeep of vehicles may easily be suspended on Sunday, except in the case of work connected with regular Sunday duty. Some regulations authorise such upkeep also on Sunday without making any further stipulation.

Of all classes of subsidiary work, only that required in connection with the care of horses has to be carried out every day of the week.

### (a) *Fixing of the Number of Hours required for Subsidiary Work*

Most of the regulations merely state that work in connection with the care of horses is authorised on Sundays and public holidays. The regulations of the following countries contain more detailed provisions on this matter.

In *Denmark* cab drivers are generally required to do subsidiary work on Sundays and public holidays. In undertakings employing

several drivers, stable and feeding work is done in rotation before noon in spells of not more than 3 hours

In *Germany* most of the collective rules limit work connected with the care of horses to 2 hours, and allow drivers to take one Sunday off in two or three

In *Poland* staff directly responsible for the upkeep of vehicles or the care of animals may be required to work 3 hours in excess of the normal working hours, on Sundays and public holidays as on ordinary working days

#### (b) *Compensatory Rest for Subsidiary Work*

Provisions relating to compensatory rest for subsidiary work done on Sundays and public holidays are very rare, and it would seem that in most countries drivers are required to do stable work on Sunday as a regular extension of their hours without compensation or any special remuneration

In *Austria*, *Czechoslovakia*, and *Luxemburg* workers are entitled to compensatory rest for all Sunday work of over 3 hours' duration

In *France* the Labour Code stipulates that in undertakings where the weekly rest is granted simultaneously to the whole staff, the rest period may be reduced to a half-day to permit the execution of necessary work, provided one day's rest is given in compensation for every two half-days so worked

In *Spain* workers employed for not more than 4 hours on subsidiary work are entitled to an uninterrupted rest period of 4 hours on another day of the week

*Swiss* legislation contains detailed provisions concerning the allocation of compensatory rest periods. For example, it authorises Sunday work for carters and, in general, for the staff of undertakings using horses, persons employed in looking after and grooming horses or in driving or stable services must be granted equivalent time off, calculated as follows (1) looking after and grooming horses for not more than 3 hours. one free Sunday in two, (2) driving, riding, and supervisory work for not more than 3 hours a rest period equal to the time spent on such work, given during the following week, (3) stable work all day on Sunday a complete day's rest during the following week. No worker may be employed more than once a month in either of the classes of work mentioned under (2) and (3). In all cases the rest periods must include at least one free Sunday a month

In *Sweden* a collective agreement for hackney-carriage under-

takings states that drivers employed on 1 May are to be granted another free day during the month of May

(c) *Remuneration for Subsidiary Work on Sundays and Public Holidays*

It is difficult to ascertain whether subsidiary work on Sundays and public holidays is paid at increased rates of wages. Subsidiary work generally leads to work in excess of the statutory weekly working hours and constitutes a permanent extension of hours of work for staff so employed

Some regulations provide for higher overtime rates for all work done on Sundays and public holidays than the rates paid for overtime on weekdays. This question is discussed in Chapter IV (Extension of Hours of Work). In such circumstances, it is quite possible that subsidiary work is also paid at increased rates

In *Poland*, on the other hand, road transport legislation states that subsidiary work, whether on working days or on Sundays and public holidays, is not to be considered as overtime and does not confer a right to the increased rates of wages usually paid for overtime

Finally, collective agreements in *Denmark* and collective rules in *Germany* provide for a guaranteed lump sum payment for subsidiary work done by drivers of horse-drawn vehicles on Sundays and public holidays, irrespective of the duration of such work

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## CHAPTER VI

### SUPERVISION OF ENFORCEMENT OF THE REGULATIONS

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Most of the regulations contain provisions intended to facilitate the supervision of hours of work. These provisions refer mainly to the posting up of time-tables in the premises of the undertaking and sometimes in vehicles, the keeping of records by the employer showing the hours and overtime worked by each worker, and the issue to the workers of employment books, or forms in which they are required to enter details as to the hours at which the work usually begins and ends, overtime, breaks, Sunday rest, etc.

An analysis is given below of the principal measures of supervision embodied in the national regulations.

#### § 1 — Time-tables

Time-tables, which in some cases are called "rules of employment" or "works regulations", are meant to inform the persons employed in an undertaking how hours of work and rest periods in the undertaking are distributed over a given period. Being in the form of a table, they also enable the supervisory authorities to make sure that this distribution applies to all workers employed by the undertaking as a whole or in its various departments.

#### I CONTENTS OF THE TIME-TABLE

In a number of countries, including *Austria, Belgium, Brazil, Denmark, Estonia, Finland, Germany, Greece, Italy, Latvia, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden*, and the *U S S R*, the time-table must indicate the usual hours of beginning and stopping work and, when the work is carried out in shifts, the hours at which each shift begins and ends work, as well as breaks during working hours.

In *Australia* the awards generally embody similar provisions.

The *British* regulations make provision for time-tables only in connection with vehicles regularly employed in passenger traffic. For example, the recommendation of 21 October 1937 of the Joint Board for the road passenger transport industries (tramway, trolley-bus and motor-bus services) provides for the establishment of a time-table which must also indicate rest days.

The *French* Decrees issued in application of the Act on the 40-hour week for land transport undertakings, tramway and motor-bus services, and funeral undertakings state that in each undertaking or part of an undertaking (the Decree concerning transport undertakings and motor-bus services says "in each service") staff may be employed only in accordance with the provisions of a time-table showing the exact distribution of working hours for each day and, when necessary, for each week (the Decrees referring to land transport undertakings and tramway and motor-bus services add -

" or for another period of time, when provisions are applied permitting the distribution of working hours over a period other than a week ") The Decrees also state that this time-table, based on statutory hours, will fix the hours at which each period of work begins and ends and outside which no person may be employed. Different hours of work and rest periods may be laid down for other classes of workers who are covered by permanent exceptions. For passenger transport undertakings, the time-table for each line or group of lines must give the name of the worker or workers to whom it applies. In land transport undertakings and funeral undertakings, the time-table must show the times of arrival and departure for outside staff as well as the length of the uninterrupted rest between two working days.

In *Mexico* the time-table must mention not only the hours of arrival and departure of the workers and the time allowed for meals and breaks, but also the days and hours fixed for the cleaning of machines, tools, premises and workshops, as well as work of a temporary or transitional nature.

In *Poland* the establishment of time-tables is not regulated by law but is often required by collective agreements. In Upper Silesia the establishment of a time-table is compulsory when no collective agreement has been concluded.

In *Spain* the time-table must indicate the hours at which the working day begins and ends and, if the work is carried out in shifts, the hours at which each shift begins and ends work. The legislation governing weekly rest also stipulates that in cases when the rest is taken collectively tables must be posted up in a prominent

place in the establishment to show the days and hours of rest and that, failing such tables, this information must be brought to the notice of the whole staff in the most appropriate manner as approved by the Labour Inspectorate. When the rest period is not collective, this fact must be brought to the notice of the whole staff by means of a record kept in accordance with the requirements of the Labour Inspectorate.

In *Switzerland* the legislation governing the transport industry states that administrative orders will regulate in detail the form and contents of the time-tables showing the rotation of days of duty, rest days and holidays which must be drawn up by the undertakings. In this connection an Order relating to the transport industry states that with each change of services, time-tables are to be established for the staff on the basis of the work required of them under service and other regulations. These time-tables must indicate the days of duty and the places where the worker must take his period of rest when away from home. The time-tables must also state the daily and average hours of work and the length of the periods of duty and of rest. An appendix to the detailed provisions, intended to clarify certain provisions of the Order itself, adds that the time-table must give exact details about the rotation of duty, hours of work, the length of duty and rest periods, the replacement of staff, rest days resulting from the rotation of duty, and the hours worked in excess of the average working hours. The Swiss Order relating to professional drivers of motor vehicles, which bases supervision on the hours reckoned in the book issued to the driver (see section II, below) states that a time-table must be established and posted up when drivers work in shifts.

In *Uruguay* the time-tables drawn up by road transport undertakings must show the hour when the vehicle begins its run, its starting point, the time of arrival at its destination, waiting periods at the terminus, the name of the driver and the inspector or person accompanying him, the hours at which such persons begin and finish duty, and their weekly rest day in each case.

## II PREPARATION AND AMENDMENT OF THE TIME-TABLE

### (a) *Person or Department Responsible*

Only a few regulations make any reference to the person or persons responsible for the preparation and amendment of time-tables. Most of them implicitly make the employer responsible.

In *Czechoslovakia*, in small undertakings employing less than 20 workers, the organisations may agree to draw up a time-table in conformity with the statutory requirements

In *Denmark* the employer must draw up the time-table in accordance with detailed regulations issued by the Minister of Social Affairs

In *France* the Decrees referring to land transport undertakings and funeral undertakings require the time-tables to be dated and signed by the head of the undertaking or by some person appointed by him and acting under his responsibility. As regards the amendment of time-tables the above-mentioned Decrees and those referring to tramway and motor-bus undertakings and the passenger transport services of Paris and district stipulate that before a change of services is put into operation the time-table or service roster must be correspondingly amended and a copy of the amendments sent to the Labour Inspectorate (or to the supervisory service of the Ministry of Public Works in the case of tramway and motor-bus services)

In *Mexico* the Federal Labour Act requires the rules of employment of the undertaking (time-tables) to be drawn up in accordance with the stipulations of collective agreements or, in the absence of such agreements, by a joint committee of employers' and workers' representatives. All amendments to the rules must be brought to the knowledge of the competent joint committee and the conciliation and arbitration board concerned

In the *U S S R* tables showing the succession of shifts and forming part of the rules of employment are drawn up by agreement between the management and the trade union organisations in the undertaking, the distribution of workers in groups, shifts, etc., being effected by the management. Rules of employment, which are compulsory only for undertakings employing at least five workers, are drafted by agreement between the management and the local trade union sections concerned and are subject to the approval of the labour inspector

#### (b) *Consultation of Workers*

Some regulations stipulate that the workers must be consulted when time-tables are being prepared or amended

The *Belgian Hours of Work Act* states that the information embodied in time-tables must be brought to the notice of the workers concerned twenty-four hours in advance. The legislation governing rules of employment prescribes that before coming into

force all new rules must be brought to the knowledge of the workers by means of notices. During at least eight days after the posting up of the rules, the head of the undertaking must hold at the workers' disposal a register or book in which they may enter their observations, if any. During the same period the workers are entitled to submit their observations to the competent labour inspector, who must transmit them within three days to the head of the undertaking.

In *Finland* the workers are entitled to give their opinion on draft time-tables and rules of employment, which must be posted up in the workplace during fourteen days.

In *Germany* the law provides for the collaboration of the confidential committees.

In *Luxemburg* hours of work may be modified in undertakings covered by the Grand Ducal Order of 8 May 1925, relating to the institution of workers' committees in industrial undertakings, only after the workers' committee has been consulted.

In *Mexico* the legislation states that in the absence of the necessary provisions in collective agreements, a joint committee of workers and employers is responsible for the establishment of rules of employment. When it is proposed to amend these rules the competent joint committee and the conciliation and arbitration board concerned must be consulted.

In *Spain* the joint bodies must be notified in advance of any change in the time-table.

The *Swiss* legislation governing the transport industry states that the staff must be heard before the definite establishment of service rosters. The detailed provisions in the administrative Order state that a copy of the proposed time-table must be posted up in the workplace, so that its contents may be known to the staff. The workers have three days within which to make their observations.

In the *U S S R* the consultation of the workers is ensured by the participation of the trade union organisations of the undertaking and the local trade union sections in the establishment of time-tables and rules of employment.

### (c) *Approval by the Competent Authorities*

The approval of the time-table by the labour inspectors is specially required by certain regulations, for example, in *Argentina*, *Czechoslovakia*, *Latvia*, *Spain*, and the *U S S R*.

The employment regulations prescribed by the *Czechoslovak* legislation for undertakings employing over twenty workers must

be communicated within eight days of their establishment to the labour inspectors, who return them to the employers when they are in conformity with legal requirements

In *Finland* the employer must transmit proposed time-tables or rules of employment and any observations made on them by the workers to the Minister of Social Affairs, who forwards them for consideration to the competent labour inspector. If the rules contain no illegal or unfair clauses, they are approved by the Minister of Social Affairs on the advice of the labour inspector.

In *France* the approval of time-tables by the labour inspectors is necessary for the various undertakings covered by the Decrees, except tramway and motor-bus services, in which the necessary approval must be obtained from the supervisory service of the Ministry of Public Works.

In *Mexico*, before rules of employment can become binding in the undertaking for which they are drawn up, the employer must deposit a copy with the secretariat of the competent conciliation and arbitration board within eight days of their establishment. If they do not satisfy the desired conditions, the board may withhold its approval after hearing the representative of the trade union or unions of the workers in the undertaking as well as the employer.

In *Portugal* time-tables must first be approved by the National Labour and Provident Institution, or in the case of services situated in the Lisbon area, by the Labour and Corporations Service.

Time-tables drawn up in accordance with the *Swiss* transport regulations must be submitted for approval to the competent department, which may be, according to circumstances, the district post office, the road traffic inspectorate or the local section of the automobile service.

#### (d) *Coming into Operation of the Time-table*

In some cases the regulations impose a time limit for putting the time-table into operation.

*Belgian* legislation on rules of employment fixes a time limit of 15 days following the posting up of the time-table, but this period may be increased up to not more than two months by the head of the undertaking. In *Czechoslovakia* the time limit is 8 days for undertakings employing over 30 persons. In *Finland* it is 14 days.

In tramway, trolley-bus and motor-bus services in *Great Britain* (London excepted) and *Belfast*, notice of 10 days must be given before any amendment can be made in a time-table and this notice must be posted up 6 days in advance. In *London* the time limit

is 5 days for passenger transport undertakings and 10 days for the tramway services. In *Switzerland* it is 3 days for undertakings covered by the transport regulations.

### III POSTING UP OF THE TIME-TABLE

The posting up of the time-table in a prominent place accessible to the workers is required by the regulations in force in the majority of countries (*Argentina, Australia, Austria, Belgium, Brazil, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Great Britain, Italy, Latvia, Luxemburg, Mexico, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, and the U S S R*).

In *Austria* and the *Netherlands* a copy of the time-table must also be given to each worker joining the undertaking.

The posting up of time-tables in vehicles is especially mentioned in the *Brazilian* and *Uruguayan* regulations and in the *Greek* Decree relating to motor buses and coaches. In these three countries motor buses belonging to passenger transport companies with more than 20 buses are not required to display a copy of the regulations.

In *France* the posting up of certain information regarding hours may be ordered in the Departments by the prefects or by the prefect of police in police areas, in conditions decided by these officials.

#### § 2 — Records, Cards or Sheets

The records, cards or sheets prescribed in a large number of regulations are intended to facilitate the supervision of the application of time-tables. In most cases the keeping of the records is entrusted to the employer, who must enter on them details concerning the normal hours and overtime worked by each worker in his employment. In many cases the regulations also provide for the issue of an employment book to each worker, who must himself enter in it all particulars concerning his work. All records kept by the employers and employment books in possession of the workers must usually be submitted to the supervisory authorities on demand.

#### I RECORDS, CARDS, SHEETS, ETC., KEPT BY THE EMPLOYER

The keeping of a record by the employer, listing all workers in his employment and showing day by day the normal hours and

overtime worked by each is required by the regulations in force in *Argentina, Australia, Austria, Belgium, Brazil, Canada* (Alberta, British Columbia, Manitoba, Ontario, Quebec), *Denmark, Finland, France, Germany, Great Britain, Italy, Latvia, Luxemburg, Norway, Poland, Spain, Sweden, Switzerland, the United States, Uruguay,* and the *U S S R*

The British Road and Rail Traffic Act, 1933, requires the holder of a goods vehicle licence to keep, or cause to be kept, current records showing for every person employed by him as a driver or statutory attendant of an authorised vehicle the times at which that person commenced or ceased work and particulars of his intervals of rest and like information as respects himself when acting as such driver or attendant. Similar provisions are in force in *Northern Ireland*

In *Estonia* the keeping of a record of normal hours and overtime worked is required in undertakings in which the establishment of rules of employment is compulsory. In other undertakings, overtime must be entered in the pay-book issued to each worker

The *French* Decrees relating to land transport undertakings, tramway and motor-bus services, funeral undertakings, and the passenger transport services of Paris and district stipulate that the head or occupier of the undertaking must keep a record of the days on which exceptions to the usual time-table are made and the length of such exceptions

In *Spain* the standard rules of employment in force in Alicante for mechanically-propelled vehicles, in Barcelona for motor-bus drivers, and in Córdoba for carters state that employers must note in a book or on pay receipts the amount of overtime worked and the payment received by the worker for such work. Garage owners in Madrid must keep a book or register showing particulars of overtime worked by the staff. Employers of vehicle drivers in Seville must forward to the office of the competent joint committee, at the end of each week, a list of the drivers who have worked overtime, with particulars as to the number of hours of overtime and the reasons for working it

The regulations in a number of countries, including *Brazil, Finland, Latvia, Poland,* and the *U S S R*, definitely state that the amount paid for overtime must be entered in the overtime record

In most countries these records must be at the disposal of the officials of the labour inspectorate (*Argentine, Australia, Austria, Belgium, Brazil, Canada, Estonia, Germany, Italy, Latvia, Luxemburg, Mexico, Netherlands, Norway, Poland, Sweden, Switzerland, Uruguay,* and *U S S R*)



The supervision is carried out in *Finland* by the Labour Inspectorate and workers' delegates, in *France* by the Labour Inspectorate (and, for tramway and motor-bus services, by the supervisory service of the Ministry of Public Works), in *Great Britain* by the authorities issuing licences and police officers, in *Spain* by the joint committees, and in the *United States* by transport offices set up by the various States

## II RECORDS, CARDS AND SLIPS KEPT BY THE WORKER

In *Argentina*, *Greece*, *Uruguay*, and the *U S S R* the employer must provide his staff with employment books showing the holder's name, address, occupation and wages, his time-table and rest days

In *Australia* the laws and awards issued in the different States stipulate that an employment and pay book must be issued to each worker, in which he must make daily entries concerning the hours at which he begins and finishes his work and the amount of overtime worked. These particulars must be countersigned by the employer, generally within the following 24 hours

In *Brazil* drivers of vehicles must enter on a daily card posted up in each vehicle, or on the service sheet in omnibuses, all changes made as a result of service requirements in their time-table or in that of staff employed in connection with the vehicle. The next day the employment card of each worker must be brought up to date by the employer, in the light of these entries

In *Germany* the collective rules for long-distance goods transport require the employer to provide his workers with control sheets, valid for two weeks, showing the name of the driver and that of the assistant driver or other persons if any, accompanying the driver, the journey to be undertaken, and the registration number of the vehicle. The sheet must show for each day particulars concerning hours of work, the load carried, and for long-distance runs the number of hours at the wheel, hours of attendance and breaks, rest days must also be shown. Entries are made by the driver but must be countersigned by the employer. In motor-bus services in Saxony, drivers must have a route book, in which they must note the number of hours at the wheel and the number of kilometres covered. In transport and removal undertakings in Silesia, overtime must be notified to the employer, otherwise the driver loses his right to increased rates of pay

In the *United States* a number of States, including Arizona, New Hampshire, New Mexico, New York, North Dakota, and South Da-

kota, require the driver to be in possession of a control sheet on which he must note, day by day, his hours of attendance and actual working hours, breaks, and, in some cases, the number of miles travelled, with the names of the places at which the run began and ended

According to the *British* Act of 1933, every driver of a vehicle engaged in transporting goods must keep a daily record showing the hours at which he began and ended his work, as well as rest intervals. He must make similar entries for all persons accompanying him.

The *French* Decree relating to land transport undertakings states that all instructions as regards hours must be copied for each member of the travelling staff into a book, which must accompany the vehicle to which the worker is attached. In tramway and motor-bus services, drivers are entitled on completing their duties to make a note in a special register of any exceptions to the provisions of the Decree which have had to be made during the journey. The ministerial Order for the organisation of the taxi industry in Paris states that, pending the adoption of special machines for recording automatically the entry into service of the vehicle, supervision will be exercised by means of plates or slips showing the date and time when the vehicle leaves the garage, or by a vehicle card kept by the driver, which must be shown on demand.

In *Italy* a number of collective agreements stipulate that, on return to his garage, the driver must note in a record or on a sheet the time of leaving the garage and the time of his return. In taxi undertakings he receives a copy of the sheet he has filled in, countersigned by the undertaking.

In the *Netherlands* the regulations in force require every driver of a motor bus to note the actual hours worked by him as driver and any other jobs done on behalf of the undertaking on a card, drawn up for four weeks in accordance with the model prescribed by the Ministry.

In *New Zealand* the drivers' award requires every employer to provide each driver with a book in which to note the total number of hours for which he is entitled to wages, overtime being specified in each case. These entries must be countersigned by the employer within 24 hours of their being made.

According to the *Swiss* regulations for professional drivers of motor vehicles, drivers are required to keep a strict account of their hours of work and attendance. In certain classes of undertakings, where it is not possible to make a clear distinction, hours of work and hours of attendance may be entered as one item.

Drivers are required to make their entries daily and to have them countersigned by the employer or his representative by the end of the same week. If for any good reason (breakdown, accident, urgent relief measures, *force majeure*, etc.) the provisions governing hours of work and hours of attendance cannot be observed, the reasons and the results must be noted in the driver's work-book. The driver must always carry his work-book on his person, accompanied by a control sheet for the current period. The form used for the control sheet is given below.

### PARTICULARS CONCERNING HOLDER

Name  
Date of birth  
Commune of origin  
Domicile  
Employer  
Nature of undertaking  
Date of issue

*Signature and seal of the authorities*

### HOURS OF WORK AND HOURS OF ATTENDANCE

Date	Time at which work began	Time at which work ended	Service at the wheel	Other work	Total hours of work	Hours of attendance
			Hrs Min	Hrs Min	Hrs Min	Hrs Min
Sunday						
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Total for two weeks						
Total for one week						

Emergency work

Checked by employer  
Date

Signature

Signature of driver

According to the above-mentioned regulations, work-books and control sheets filled in by the worker must be submitted to the supervisory authorities on demand

In *Brazil*, *France*, *New Zealand*, and the *United States* it is expressly stipulated that all such documents must be drawn up on the forms established and approved by the competent authorities and that they must be produced at the request of the supervisory authorities

### § 3 — Other Forms of Supervision

In a few cases the regulations make provision for special measures of supervision

In *France* a special device is provided for in the municipal order regulating the organisation of the taxi industry in Paris. This order states that the time of departure of vehicles from the garage will be checked by an automatic machine of a special model approved by the police authorities

For *Germany* the new road control regulations should be mentioned. By decision of the Ministry of Labour, long-distance goods traffic on the roads has been placed under the supervision of the German Labour Front. In each district an organisation has been set up entitled the "Reichsbetriebsgemeinschaft Verkehr und öffentliche Betriebe" which makes flying visits of supervision to certain especially busy points on autostrades in the neighbourhood of large towns, etc. Further, the "Reichskraftwagenbetriebsverband" possesses, in partial collaboration with the German Labour Front, about 90 mobile traffic supervision units throughout the whole of Germany. Finally, in certain districts, the traffic police is also called upon to effect the supervision of long-distance goods traffic

In *Mexico* hired vehicles in the Federal District are classified in five groups, each having a distinct colour (green, red, yellow, blue, and white). The vehicles of each group must remain in their garage on one specified day between Monday and Friday (Monday for green vehicles, etc.). On Saturdays and Sundays and on certain public holidays (1 January, 15 and 16 September, 24, 25 and 31 December), or when tourist traffic is particularly heavy, all five groups may ply for hire

In *Spain* the standard rules of employment for mechanical transport in Alicante stipulate that the supervision of the weekly rest of drivers of private motor cars will be effected by means of a

printed card, issued by the competent joint committee and fixed on the wind-screen of the vehicle

In the *United States* the Federal Act of 1935 requires all transport undertakings to submit a monthly report to the Bureau of Motor Carriers in Washington, showing the hours worked by their employees in excess of regular hours and giving the reasons for such overtime. A number of States, including New Hampshire, New Mexico, New York, North Dakota and South Dakota, require similar reports to be submitted at regular intervals to the competent authorities. Alabama, Oklahoma and New Hampshire require the employer to submit emergency reports to the competent authorities when a driver is compelled by unavoidable circumstances to exceed the legal hours of work.

#### § 4 — Penalties

##### I FINES

The penalties laid down by the regulations of the various countries for breaches of the provisions regulating hours of work always include fines, the amount of which varies greatly from country to country.

In *Canada* the usual maximum fine is \$200, but in certain serious cases fines amounting to \$500 and even \$1,000 may be imposed. In *Germany* fines vary from RM 1 to RM 150, while in *Great Britain* a £20 fine may be imposed and as much as £50 in the case of a repeated offence.

In *Italy* the maximum fine is 1,000 lire. In *Switzerland* the transport regulations provide for a maximum fine of 500 francs, and 1,000 francs in the case of a repeated offence, the regulations for professional drivers of motor vehicles fix these limits at 200 francs and 500 francs.

In the *United States* the Federal Act fixes the maximum fine at \$100 for the first offence and at \$500 for a repeated offence, in the different States minimum fines vary from \$5 to \$100 and maximum fines from \$50 to \$600. In the *U S S R* a fine of not more than 300 roubles may be imposed, but when the offence is committed by a group of not less than three workers, the maximum fine is fixed at 10,000 roubles.

##### II TERMS OF IMPRISONMENT

Terms of imprisonment are provided for in certain regulations. In *Belgium* the term of imprisonment varies from 8 days to one

month In cases of a repeated offence the *British* regulations make provision for a term of imprisonment not exceeding three months instead of a fine

The *Czechoslovak* regulations provide for imprisonment if the person breaking the regulations is insolvent, the maximum term is three months, which may be increased up to six months in case of a repeated offence In *Estonia* imprisonment of not more than three months may be imposed

In *Germany* an employer who is wilfully guilty of a repeated offence is liable to imprisonment of not more than six months, while in *Poland* a repeated offence is punishable by a term of imprisonment varying between two weeks and three months

In case of a serious or repeated offence, the *Swiss* regulations for motor-vehicle drivers provide for a fine or a term of imprisonment of not more than 10 days

In the *United States* (New York) offenders may be sentenced to a maximum of 6 days' imprisonment

In the *U S S R* the regulations provide, in addition to fines, for hard labour of not more than six months' duration and, if the offence is committed by a group of at least three workers, imprisonment or hard labour for a period of not more than one year

### III SUSPENSION OR WITHDRAWAL OF TRADE LICENCES OR DRIVING LICENCES

The suspension or withdrawal of the trade licence or the driving licence is expressly mentioned only in a very small number of regulations

The *British* Act states that the licence may be suspended when the holder no longer satisfies the conditions in which it was issued It may be withdrawn in case of a repeated or wilful offence, or when a breach of the regulations entails danger for the public Similar provisions are in force in *New Zealand*

In *Switzerland* driving licences may be withdrawn by the Cantonal administrative authorities in cases of breaches of the regulations

In the *United States* the withdrawal of a licence is provided for in certain States following a serious breach of the regulations, the same being the case in the *Canadian* Province of Manitoba

## CHAPTER VII

### CONCLUSIONS

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#### I — FORM OF THE REGULATIONS

The first question to be settled is whether the proposed regulations should take the form of a Draft Convention or of a Recommendation.

The study of national regulations shows that many countries have limited, while some have considerably reduced, the hours of work of the travelling staff in road transport, and a Draft Convention to introduce a measure of uniformity in conditions of employment in the industry would no doubt serve a useful purpose. International Conventions are not only of value from the social standpoint, they are also a means of neutralising the effects of competition—a factor whose importance the development of road transport is tending to increase.

Besides the social and economic arguments, considerations of a legal character may also be advanced in favour of regulation by a Draft Convention. It should be remembered for instance, that only an International Convention is legally binding on the States which ratify it.

In view of these considerations, it is suggested that the proposed regulations should take the form of a Draft Convention.

#### II — SCOPE

The question placed on the Agenda of the Conference by the Governing Body is worded as follows: "Regulation of the hours of work and rest periods of professional drivers (and their assistants) of vehicles engaged in road transport."

The question of scope will be considered successively in respect of

- (1) the undertakings,
- (2) the vehicles,
- (3) the persons

§ 1 — Scope as regards Undertakings

I TRANSPORT UNDERTAKINGS PROPER AND UNDERTAKINGS  
NOT SPECIALISING IN TRANSPORT

A great variety of undertakings engage in road transport. There are transport undertakings proper—that is to say, set up for the express purpose of transporting goods or persons on account of another, and there are undertakings whose main business is not to transport goods or persons, but which do so to meet their own requirements or those of the general public: transport and delivery of various goods to customers (industrial and commercial undertakings), transport of workers (industrial undertakings, especially those working in the open air and establishments at some distance from urban centres), transport of pupils (school services), transport of troops (army services), transport of the sick (hospital services), transport of police, transport of fire-brigades, transport of refuse (municipal services), etc. The first point is therefore to decide whether it is desired to include all classes of undertakings which carry out any transport activities while reserving the possibility of making exemptions, or whether it is preferable to limit the regulations to road transport undertakings alone.

From the standpoint of labour protection there seems to be no reason to make a distinction between the professional drivers (and their assistants) employed by the different classes of undertakings, for the effort required of a driver or delivery-man employed by a goods transport undertaking is approximately the same as that required of the same class of staff engaged in delivering goods for an industrial or commercial undertaking. For this reason, the majority of the general regulations on hours of work either include or exclude both classes of drivers and their assistants. Where in some cases these regulations specially mention land transport undertakings as falling within their scope (e.g. the Washington Hours of Work-(Industry) Convention, No. 1), this is merely with a view to defining their scope and not with any intention of making a distinction based on the conditions of employment of the workers.

Various regulations concerning conditions of employment refer specially to drivers (and, sometimes, their assistants) employed in road transport, but here again no distinction is usually made between the different classes of undertakings, whatever the nature



of the regulations, the whole of the specified class of workers is covered

There are, of course, regulations which apply only to transport undertakings proper, and even to special classes of staff in such undertakings, this system being the rule rather than the exception in collective agreements, collective rules, or regulations based on an arbitration award or a recommendation made by a joint body, since the object of this type of regulation is to fix conditions of work in just a given branch of industry. These regulations, however, either merely supplement other and more general regulations applicable to undertakings as a whole, or they co-exist with other regulations of the same type covering not only the various branches of the road transport industry but also all sections of the mining and manufacturing industries and commercial and office work, the conditions of employment of drivers (and their assistants) are governed by a series of separate regulations, but these regulations, taken as a whole, tend to cover the whole economic activity of the country. Moreover, some of the regulations of this type apply to drivers (and sometimes their assistants) as an occupational class, irrespective of the undertaking to which they are attached, and in this case the criterion "undertaking" disappears completely, all that remains is the occupational criterion, indicated for example by membership in a given trade union.

As to traffic safety regulations, their object precludes any distinction based on the nature of the undertaking—with the exception of the cases mentioned later. The point of these regulations is that the maximum time spent at the wheel of a vehicle should be limited to a figure beyond which the strain put on the driver becomes dangerous both for himself and for other persons using the road. It therefore does not matter whether the driver is in the service of a transport undertaking proper or whether he is employed by some other kind of undertaking.

Finally, it may be noted that one of the reasons which led the Governing Body to place the question of the hours of work and rest periods of professional drivers (and their assistants) on the Agenda of the Conference was the problem of the competition between rail and road transport, as was shown by the discussion which took place at the Seventy-fifth Session of the Governing Body. During that discussion attention was drawn to the differences, from the standpoint of regulation working hours, between the driver of a railway engine and the driver of a lorry both doing the same journey, but it was not suggested that a distinction

should be made between the drivers of lorries belonging to transport undertakings proper and those employed by other classes of undertakings. It is in fact clear that industrial and commercial undertakings compete with the railways in the same way as do concerns specialising in transport work. If motor-bus and motor-coach services, and removal and delivery services, are recognised as direct rivals of the railway companies, then so are the many industrial and commercial undertakings whose lorries cart milk, newspapers, building materials, and all sorts of other goods.

## II UNDERTAKINGS ENGAGING IN A PARTICULAR FORM OF TRANSPORT

### (a) *Goods Transport Undertakings and Passenger Transport Undertakings*

Among transport undertakings proper, there are undoubtedly a number of different categories, the principal distinction being that between goods transport undertakings and passenger transport undertakings. The question arises whether one or other should be excluded from the scope of the proposed regulations.

Since, as shown above, the general tendency of the regulations is to cover professional drivers (and their assistants) employed not only in transport undertakings proper but also in concerns in which transport operations are not the principal activity, and since social and economic considerations, as well as traffic safety requirements, all militate in favour of general regulations, it does not seem advisable to contemplate an exclusion of this sort. But as the drivers (and their assistants) employed by the various classes of undertakings under consideration have varying conditions of work, the proposed international regulations might well provide for special *ad hoc* schemes to meet special cases. This, however, does not raise the question of inclusion in, or exclusion from, the scope of the regulations.

The position is the same with regard to the question of making a distinction according to the kinds of goods transported. Undoubtedly the transport of highly perishable commodities—fruit, vegetables, milk, flowers, etc.—and the carrying of articles for immediate use—daily papers, repair equipment sent to the scene of an accident, etc.—call for exceptions or special schemes. But here again the question of inclusion or exclusion does not arise.

As regards passenger transport undertakings, too, the same

arguments apply the provisions of the regulations as to scope should not distinguish between passenger transport staff employed on regular routes and that employed over no fixed route

To sum up, the Office does not consider it advisable that Governments should be consulted as to the general inclusion or exclusion of certain classes of transport undertakings

(b) *Undertakings for the Hire of Vehicles (Taxis or Cabs)*

There is one rather special class of undertaking among passenger transport undertakings, namely the hackney-carriage undertaking (taxis or cabs). Such concerns may be established undertakings with a number of drivers in their service, or again they may consist of independent contractors, i.e. drivers owning their own vehicles and working on their own account and responsibility. In the latter case it is obviously difficult to distinguish between the concepts of the undertaking and the person covered. Moreover, the hackney-carriage business raises very special questions as regards hours of work, for in many cases the regulation hours are those during which the vehicle plies for hire, and not the driver's hours of work or driving hours. Here the problem of labour protection is not quite the same as in the case of other classes of drivers, on account of the irregularity of the work and the long waiting periods—real breaks—which split up the actual working day of taxi drivers and cab drivers. Furthermore, the economic problem of road and rail competition does not arise.

In practice, very few of the general regulations on hours of work specifically cover drivers of taxis or cabs, many of them in fact expressly exclude such persons from their scope. Special regulations for this occupation are not very common and generally take the form of collective agreements, collective rules, arbitration awards, or similar decisions of a purely local character. In some cases the hackney-carriage business is governed not by regulations concerning conditions of employment or traffic safety, but merely by police regulations.

It therefore seems logical to raise the question whether hackney-carriage drivers should be included in, or excluded from, the proposed regulations.

(c) *Agricultural and Forestry Undertakings*

Transport work in connection with agriculture and forestry is of two kinds: transport required to secure the normal working

of the undertaking and the transport of agricultural produce. The first kind is itself very varied, and includes cartage between the undertakings and the fields or forests, and the delivery by the undertaking to the station, market or customers of products which in some cases have already been partially sorted or treated (put in bales, packing cases or sacks, or threshed, sawed, cleaned, sorted, etc.)

The second kind of transport consists mainly in the carrying of agricultural produce from a market, *depôt*, warehouse, or other storage premises not in the undertaking itself to its final destination factory, workshop, retail shop, or the customer's home. It is closely related to transport between the undertaking and the station, market, warehouse or storage premises, the only difference between them lies in the nature of the undertaking: in one case the agricultural or forestry undertaking transports the goods, while in the other it is a transport undertaking proper or the customer purchasing the goods.

There seems to be no reason why the proposed regulations should not include the transport of agricultural and forestry produce from a warehouse intermediate between the agricultural or forestry undertaking and the actual customer, since this is a form of industrial or commercial transport altogether similar to that dealt with under (a). It must be mentioned, however, that certain regulations formally exclude from their scope the transport of agricultural produce, but without defining such transport.

As to the initial transport of agricultural produce from the undertaking to a warehouse outside the undertaking, this differs from the kind of transport just mentioned on account of its irregularity, for it takes place only on certain days, and sometimes only in certain seasons. Such transport does not constitute the main, but only a subsidiary, activity of the agricultural undertaking.

Other forms of transport for the purposes of the agricultural or forestry undertaking obviously bear no kind of resemblance to transport for industrial or commercial purposes, here the needs of the undertaking make it very difficult to apply any sort of rigid regulations.

Most of the regulations on conditions of employment exclude agriculture and forestry, as do most of the traffic safety regulations. Some of the latter, however, make a distinction between agricultural transport proper and the transport of agricultural produce, a point which has just been discussed. Some traffic safety regulations differentiate agricultural and forestry transport according to the

roads used when a public highway is used, the regulations apply, when a private road is used, they do not. This leads to the exclusion from the scope of the regulations of all agricultural and forestry transport as soon as the vehicle enters a private road or travels on private property belonging to the undertaking, in a field or forest. A distinction founded on this criterion—public highway or private road—may be justified in connection with traffic safety, but it cannot be made in regulations for the protection of labour of the kind contemplated here.

For the various reasons discussed above, it seems advisable to ask Governments for an opinion as to the inclusion or exclusion of transport by agricultural or forestry undertakings, but it does not seem desirable to consider the possibility of exclusion based on the nature of the products carried.

#### (d) *Transport of Sick and Injured Persons*

The transport of sick and injured persons is organised either by undertakings specialising in that sort of work (ambulance firms) or directly by hospitals, nursing homes, and similar establishments. The transport of sick and injured persons is always of an irregular and unforeseen character, which even in specialised undertakings makes the conditions of employment of drivers very similar to those of drivers of hackney-carriages and vehicles for hire.

The various general regulations on hours of work cover professional drivers (and their assistants) employed in the transport of the sick organised directly by hospitals, nursing homes, and similar establishments in so far as these undertakings come under their scope, which is relatively seldom. Examples of special regulations for professional drivers (and assistants) in the employment of specialised undertakings are quite exceptional. Finally, various traffic safety regulations formally exclude ambulances of all sorts from their scope.

International regulations covering professional drivers of ambulances, whether attached to hospitals or specialised transport undertakings, should make provision for special schemes for these drivers and their assistants. There seems no serious reason to exclude them from the scope of the regulations, but in view of actual conditions in the various countries, it would seem advisable to ask Governments their views as to the inclusion or exclusion of this class of transport.

(e) *Transport Services of Hotels*

This class of transport has a number of special features. It is always of an intermittent nature and is organised by a class of undertaking whose main activity is not transport work, moreover, the staff engaged in it, in most cases, performs other work when not employed on transport duties.

Actually the regulations governing this branch of transport are so few in number that it did not seem worth while discussing them in Chapter II of this Report. Accordingly, it would be advisable to consider the possibility of excluding the transport of travellers and their luggage to and from a hotel, or other similar establishment, and a station or port of arrival or departure. This exclusion would thus not apply to all the transport services of hotels, which often organise motor tours similar to those run by travel and tourist agencies.

(f) *Funeral Undertakings*

Transport by funeral undertakings is of a very special nature and the conditions of employment of hearse drivers and mutes cannot easily be assimilated to those of other professional drivers (and their assistants) employed on road transport. Moreover, while this class of transport is more or less common in populous districts, its importance is very much less in small places. Finally, it is subject to sudden and unforeseen variations, especially in times of epidemic.

As in the cases considered above, only a small number of regulations formally include or exclude transport by funeral undertakings, and there are similarly very few instances of special regulations dealing with the matter. While admittedly the staff here considered may be given the benefit of special schemes, the question may also be raised whether it would not be advisable to exclude them completely from the scope of the proposed regulations.

(g) *Public Services directly administered by the State or Local Authorities, when Such Services are not of an Industrial or Commercial Nature*

Whatever the branch of transport considered—whether that of undertakings specialising in the carrying of goods or passengers or that of industrial and commercial undertakings—it is obvious that

in either case the undertaking may be private or public. When, however, it is a question of protecting professional drivers (and their assistants), in their employment, the determining factor should be not the legal status of the employer but the actual nature of the work itself. In this respect transport by services directly administered by the State or local authorities may be divided into two main groups

- 1 Transport by services of an industrial or commercial character,
- 2 Transport by services not having this character

Services of an industrial or commercial character include all those which, in one country or another, can be run equally well either by private undertakings, operating under a concession or otherwise, or by the State or local authorities, and indeed in this field public and private establishments sometimes compete against each other. This class of services includes

- Postal motor-coach services,
- Parcels and goods delivery services,
- Transport for electrical power stations,
- Transport for gas works,
- Transport for water supply services,
- Transport for road services

Services not of an industrial or commercial character include all those which in every country are managed solely by the State or local authorities on account of their fundamental public importance. These include

- National defence services,
- Fire fighting services,
- Police services

In all these services transport work is definitely intermittent in character

The national regulations differ considerably from country to country. Transport for or by the postal and telegraph services is frequently the subject of special regulations, the staff often having the status of officials. In some countries collective agreements or similar arrangements regulate conditions of employment in undertakings engaging in transport for the Post Office and those of drivers directly employed by that department. In others the

special transport regulations refer to postal and telegraph services in particular and provide that their staffs shall have the same working conditions as those of persons employed in road transport undertakings operating under a concession. In some cases, on the contrary, traffic safety regulations formally exclude from their scope the transport of parcels or persons organised either directly by the Post Office or by an undertaking operating under a concession from that department.

- As to transport for or by a public service other than the postal and telegraph services, while a fairly large number of the general regulations on hours of work make no difference between staff employed by the public authorities and that in the service of private employers, this class of transport is nevertheless excluded from the scope of a number of national regulations, especially those dealing with traffic safety. When exemptions of this sort are made, they do not always apply to all services (other than the postal and telegraph services) directly administered by the State or local authorities, but frequently to some of them only. The distinction made above between services of an industrial and commercial character and those not having this character does not appear in the various regulations. It is only by comparing the various exclusions made and the special regulations for certain State or municipal services that any such difference can be established.

The great variety of the systems adopted makes it essential to ask Governments for an opinion on this matter.

### III NATURE OF THE TRANSPORT

A number of traffic safety regulations apply only to transport against payment, free transport being formally excluded from their scope. This distinction immediately eliminates all transport by establishments other than transport undertakings proper, for in fact only the latter, whether carrying passengers or goods, make any charge for their services.

A distinction based on whether transport is free of charge or undertaken for remuneration leads in practice to the same considerations as those already discussed under (I), and the conclusions to be drawn would therefore be the same. The question then raised, namely, whether the proposed international regulations should extend only to transport undertakings proper or also to other undertakings, need not be repeated in a different form.



#### IV AREA COVERED

In addition to regulations which by their nature are of purely local scope (collective agreements, collective rules, arbitration awards, joint agreements, etc.), the regulations of a general nature, including the traffic safety regulations, are sometimes limited in scope to certain urban zones or inter-urban areas

It may indeed be taken for granted that urban transport differs to some extent from inter-urban transport on account of the varying traffic requirements in the two cases. Again, in certain countries the municipal authorities reserve the right to regulate road traffic in the areas under their jurisdiction. It may be said, however—and this is what matters for the purpose of the proposed international regulations—that the conditions of employment of drivers engaged in urban and inter-urban transport are roughly speaking the same. The organisation of the work may vary with the method of transport employed, but the effort required of the drivers is practically the same. It might, of course, be maintained that the question of competition between road and rail arises more particularly in connection with inter-urban transport, but in practice a large number of firms undertake both urban and inter-urban transport, e.g. removal undertakings, delivery services, industrial and commercial undertakings which deliver goods to customers or themselves transport the raw materials they need. If either urban or inter-urban transport were to be excluded from the scope of the proposed international regulations, the effective supervision of their application would become very difficult, if not impossible, the more so as the same drivers (and assistants) may be employed on both kinds of transport according to circumstances.

Where traffic exigencies necessitate different schemes of work for drivers (and assistants) employed in urban transport, and for those in inter-urban transport, the regulations can always make provision for the appropriate schemes (for example, by insisting on two drivers relieving each other on journeys exceeding a certain time or distance). For these reasons it does not seem advisable to consider the exclusion of certain classes of drivers (and assistants) on the ground of the area within which the vehicle operates.

#### § 2 — Scope as regards Vehicles

The nature of the vehicle used for road transport is an important factor in the establishment of conditions of employment for

drivers if not for their assistants The effort required of the driver of a motor lorry is obviously not the same as that required of a cab driver, not only are the technical qualifications called for different, but also the physical strain, the degree of concentration needed and the resultant fatigue for the driver differ in the case of vehicles travelling at very different speeds

There are in practice two main groups of vehicles power-driven vehicles and vehicles drawn by animals or persons Power-driven vehicles used on the roads are in turn very various An initial distinction may be drawn according as the power is produced entirely by the vehicle itself or is obtained from another source with which the vehicle remains in permanent contact Vehicles of the first kind include all self-propelled vehicles properly so called, those of the second are trolley buses, which receive their motive power from an overhead cable by means of a trolley, and which consequently can only travel over specified routes

Among self-propelled vehicles a second distinction may be made (a) vehicles which consist mainly of a motor, move on wheels, caterpillar wheels or runners, and carry only their own fuel and the driver, (b) motor vehicles which in addition to their own weight ordinarily transport goods or passengers or both In the first category come road traction engines, steam-rollers, tractors, pedal cycles with an engine, motor cycles, etc To the second category belong all motor buses, motor coaches, lorries for the transport of goods, lorries for special purposes (fire engines, road sweepers, garbage carts, water carts, etc )

A final distinction may be made between the self-propelled vehicles themselves—a group including all those mentioned so far—and the vehicles attached to self-propelled vehicles—a group naturally consisting of all vehicles specially built for use as trailers

As regards vehicles drawn by animals or persons, it seems unnecessary to differentiate between the various types used The only useful distinction is that which can be made between vehicles drawn by animal power<sup>1</sup> and those drawn by persons, vehicles propelled by persons will include not only handcarts, rickshaw, and similar vehicles, but also bicycles, carrier tricycles, etc

In practice the general regulations on hours of work do not differentiate between drivers (and their assistants) according to the nature of the vehicle they drive, and any exclusion from the scope of the regulations applies alike to the drivers of motor vehicles

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<sup>1</sup> For convenience, described as "horse-drawn vehicles"

and of horse-drawn vehicles. Nevertheless, in some cases, different hours schemes (e.g. as regards extensions) are prescribed for the two classes of drivers, this, however, does not raise the question of their exclusion from the scope of the regulations, only that of the organisation of the work.

On the other hand, all traffic safety regulations apply solely to the drivers of motor-driven vehicles. As in many cases these are the only regulations to fix minimum conditions of employment, it would be impossible to ignore so general and fundamental a distinction. Traffic safety regulations also differentiate between mechanically-driven vehicles in the manner indicated above, some of them exclude certain categories, others expressly include those same categories. For example, trolley buses, tractors, road traction engines and trailers are sometimes included and sometimes excluded. It does not seem advisable to make exemptions of this sort in international regulations, for a study of the national regulations does not suggest that there is any one general type of exemption. But the proposed international regulations might leave it open to Governments to exclude certain classes of vehicles when this appears necessary.

There is, however, a special class of vehicle which might be generally excluded, namely, pedal cycles with an engine, and motor cycles. It is indeed difficult to treat the work of the driver of such a vehicle on the same footing as that of the driver of a lorry or tractor, besides which motor cycles and similar vehicles are certainly not a serious source of competition for the railways.

Finally, it may be noted that the argument concerning road and rail competition may be applied to all drivers of mechanically-driven vehicles to the exclusion of those in charge of vehicles propelled by animals or persons.

For these reasons it seems justifiable to consult Governments on the determination of the scope of the regulations as regards the vehicles used.

### § 3 — Scope as regards Persons

#### I DEFINITION OF THE PROFESSIONAL DRIVER AND HIS ASSISTANTS

While the term "professional driver" raises no difficulty of interpretation, the term "assistant" does. In practice the assistant may just as well be an auxiliary driver accompanying the driver

and taking his turn at the wheel as any other person assisting in connection with the transport work, i.e., besides the whole travelling staff, the term may also include part of the stationary staff repair shop mechanics, storekeepers, and workers engaged in loading and unloading goods. It may even cover, as it does in some regulations, any member of the staff employed in the upkeep of roads and other means of communication, petrol station men, etc.

The first category of assistants to be covered by the regulations would appear to be that mentioned above, namely, the relief driver or auxiliary driver. Some traffic safety regulations make it compulsory for a vehicle to carry an auxiliary driver on long journeys and in this case the conditions of employment of the driver and auxiliary driver are the same. In certain regulations the term "assistant" covers the person required to travel on the main vehicle or the trailer, even when he is not required to drive, in this case, too, his conditions of employment closely resemble those of the driver, the conditions of both men being based mainly on the travelling hours of the vehicle. In this way the concept of "assistant" becomes extended to all persons ordinarily travelling on the vehicle, including delivery-men and men loading and unloading goods in the case of goods transport, and conductors in the case of passenger transport. If some of these persons, such as delivery-men or conductors, were to be excluded, the position would become very complicated, for in many cases the driver of a vehicle carries out several duties: in removal undertakings he shares in the loading and unloading work of the removal men, who do no driving, and in motor buses with one employee in charge he also acts as conductor. For these reasons a large number of regulations prescribe the same working conditions for all travelling staff. It therefore seems advisable to extend the proposed international regulations to the whole of the travelling staff.

This solution is moreover the one proposed by the International Labour Office in its commentary on "the effect to be given to the resolutions adopted by the Conference at its Twenty-third Session" which was submitted to the Governing Body at its Eighty-first Session, and from which the following passages may be quoted:

"There are two quite different methods by which the regulation of road transport may be dealt with, it can cover either a class of undertakings, namely, undertakings carrying on road transport, or a class of workers, namely the staff actually employed on the vehicles or only the professional drivers of the vehicles using the road and their assistants.

"If the first method were adopted, the proposed regulation would have to cover both the stationary staff and the staff employed on the

vehicles of road transport undertakings, although the conditions of work of those two classes of persons are entirely different. If it were decided to adhere to the second method the regulation would only apply to the staff actually employed on the vehicles.

"The Office therefore, feels that, without going back on the decision already taken, it would be desirable for the Governing Body to lay down that the question placed on the agenda of the 1938 Session of the Conference should cover the regulation of hours of work and rest periods of professional drivers (and their assistants) of vehicles engaged in road transport.

"That title would moreover correspond more closely with the need for the social protection of the workers and the safety of those who use the roads, which call urgently for the international regulation of hours of work and rest periods of staff actually employed on the vehicles in road transport."

It was on this commentary that the Governing Body took its decision by approving the proposed wording of the item for the Agenda, it seems to have shown a desire to consider regulations covering not only professional drivers but the whole travelling staff engaged in road transport.

On the other hand, it appears from the remarks reproduced above that the stationary staff should not be covered by the regulations, even though a part of such staff may be considered as drivers' "assistants". It is suggested, however, that Governments should be consulted on the point in order that they may have an opportunity to state exactly what they mean by the term "assistants".

The regulations should cover only the travelling staff ordinarily employed in a professional capacity on vehicles used in road transport. The use of the term "in a professional capacity" is intended to exclude persons who may occasionally drive vehicles or perform other work covered by the regulations, though such work is not their normal occupation (members of the driver's family, domestic staff, managing staff of a transport undertaking, etc). The use of the term "ordinarily" is intended to exclude persons who, though they may be professional drivers, are actually seldom called upon to drive (mechanics and other stationary staff of a transport undertaking, who may occasionally have to drive a vehicle belonging or entrusted to the undertaking).

The regulations should refer to persons occupied *in work connected with the vehicle or its load*. This formula includes both the driving of the vehicle and all other work done by the driver or his "assistant". The term "its load" covers the transport of both passengers and goods. Every person (except the driver and his

assistant) and every object transported by the vehicle should therefore be considered part of this "load" in the sense used in the regulations

## II PROFESSIONAL DRIVERS OF PRIVATE VEHICLES

Professional drivers of private vehicles form a very special class of professional driver. It is difficult to regulate the working hours of such staff. The services required of a private chauffeur are in practice quite different from those of a professional driver employed in driving a lorry or a motor bus or from those of a taxi driver. The working day of a private chauffeur often includes long periods of real rest, the hours at which he begins and ends his duties are variable, and the services required of him may vary considerably from one day to another. It would thus seem difficult to arrange for any direct supervision of the hours of private drivers.

In practice, only a very small number of hours of work regulations make any special mention of drivers of private vehicles, on the contrary, most of the general regulations on hours of work definitely exclude this class of worker from their scope, and the same may be said as regards the majority of traffic safety regulations.

For these reasons, it appears advisable to discuss the possibility of excluding from the scope of the proposed regulations professional drivers of private vehicles used solely for personal services.

## III STATUS OF DRIVERS

The legal status of persons employed on vehicles, i.e. drivers and their assistants, may be that of wage earner, employer, or owner of the vehicle, sometimes the driver is both employer and owner of the vehicle. The majority of the travelling staff employed in road transport undoubtedly consists of wage-earning drivers who are not owners of the vehicle, nor employers in any sense of the term. For these there can be no doubt as to their inclusion in the scope of the regulations. The employer may be the owner of the vehicle and at the same time the driver, as happens fairly often in the case of taxi drivers and cab drivers. This is also true for garage owners who occasionally drive vehicles let out on hire, there is also the case of owners of small touring motor coaches, who drive the vehicle, while members of their family, part owners in some cases, are responsible for other work on the vehicle, such as the collection of fares and the handling of parcels.

In practice, the general regulations on hours of work exclude the employer, but without defining the term. The case of the employer-driver is not mentioned in any way in the general regulations studied by the Office. Regulations of the social type usually exclude members of the employer's family, who are defined in different ways. In some cases a degree of relationship is fixed which is sufficient to exempt the person concerned from the scope of the regulations, while in others it is laid down that members of the employer's family may not be paid wages or that they must be employed on work similar to that performed by the employer himself. But here again no reference is made to members of the employer's family who act as drivers or drivers' assistants.

As to the hours of work regulations special to road transport, some of these definitely include the employer (whose status is not otherwise defined) provided that he does the same work as the wage earners whose hours of work are regulated. In some cases, instead of "employer", the term "owner" or "part owner" of the undertaking is used.

Most of the traffic safety regulations state that the employer is covered, whether he is the owner of the vehicle or not. Since the object of such regulations is to fix the limit on hours of work beyond which fatigue is likely to become dangerous not only for the driver himself but also for all other persons using the road, no importance attaches to the legal status of the driver.

As to owners of vehicles, it is shown above that in some cases the hours of work regulations special to the transport industry often prefer to use this term instead of that of "employer". Certain special regulations for the taxi industry expressly state that they cover all drivers of these vehicles whether they are owners or not.

Although the general regulations on hours of work provide for the exclusion of the employer and members of his family, it may be noted that these are quite general exceptions and that the position of employer-drivers and owner-drivers is not specially mentioned, on the other hand, the special transport regulations, whether dealing with conditions of employment or with traffic safety, show a definite tendency to include the employer or owner and, *a fortiori*, the members of his family.

To these practical arguments may be added those advanced at the Seventy-fifth Session of the Governing Body during the discussion of the "steps to be taken for the protective international regulation of the conditions of employment, work safety and

social welfare of wage earners employed in road motor transport " On this occasion the French Government representative pointed out that his country had come to the conclusion that so far as motor vehicles used on the road were concerned, the regulation of hours of work should apply to all the drivers of these vehicles irrespective of the size of the undertaking or of whether the vehicle was driven by a wage earner or by the head of the undertaking

The point thus raised is of great importance for, up to the present, all international Conventions on hours of work in general have excluded the employer and the members of his family from their scope It therefore seems advisable to consult Governments on the inclusion or exclusion of such persons

A further distinction might obviously be made according as the travelling staff is employed "in a confidential capacity" This distinction, however justified in regulations for industry and commerce in general, where its aim is to exclude managers, directors and chief managing clerks of undertakings, has quite another character in regulations for professional drivers and their assistants engaged in road transport The answer to the question suggested above will finally decide this matter if it is positive—that is to say, if the proposed regulations are to include owners, persons operating a concession, managers and directors of undertakings—then the question of persons employed in a confidential capacity will be settled and there will be all the more reason to include persons who are neither employers nor owners If the answer is negative, it will be essential to define in an extremely strict sense the term "persons employed in a confidential capacity" In practice, the driver holds a post implying the notion of confidence, for it is to him that the vehicle is entrusted when on the road The same is often true of many of his assistants, e.g. the conductor of a motor bus collects considerable sums of money and therefore holds a position of confidence In the opinion of the Office it would hardly be possible to base exclusion on the notion of "confidence" and it does not seem necessary to consult Governments on this point

### III NORMAL HOURS OF WORK

#### *FACTORS IN THE DETERMINATION OF HOURS OF WORK*

A complete scheme to govern hours of work in road transport must take four principal factors into account driving time, hours



of work, hours of duty, and the spread of the working day These factors are clearly more numerous than in regulations relating to industry in general, which have as a rule to take account of two concepts only—hours of work and the spread of the working day

This difference is due to two fundamental characteristics of road transport the importance of various kinds of subsidiary work done in addition to the principal work, and the large proportion of intermittent work required These two characteristics are common to the conditions of work of the vast majority of persons employed on vehicles in road transport, whereas in industry they are found—where they exist at all—only in the case of isolated and usually unimportant categories of workers It is for this reason that it was found possible to authorise, in the Washington Hours Convention and subsequently in other international Conventions on hours of work (Conventions No 30, Commerce and Offices, No 51, Public Works, and No 62, the Textile Industry), regular extensions of hours for the performance of preparatory and complementary work and in order to allow for the intermittent nature of the work of certain categories, without imposing any limits for the extensions Such a method can hardly be considered suitable for the regulation of conditions of employment in road transport Subsidiary work and hours of mere attendance are here of normal occurrence, and the logical course would be to regulate their duration together with that of normal hours, rather than to consider them as exceptional and treat them separately

The action taken nationally in this respect varies widely from case to case Where general laws or regulations have simply been adapted to the special needs of road transport, they frequently fix the limits for hours of work only, without any more exact definition of this term, and they sometimes provide for permanent exceptions for carrying out preparatory and complementary work and for intermittent work On the other hand, the regulations specially relating to road transport are based on a different principle some fix a " maximum period ", which may not be exceeded either normally or in case of overtime, and leave to collective agreements, arbitration awards, etc , the task of laying down limits for normal hours of work, others limit driving time, hours of work, hours of duty, and the spread of the working day, or some of these periods only

The various limits which it is suggested might be considered for the purpose of international regulation—for driving time, hours

of work, hours of duty, and the spread of the working day—may be applied simultaneously

It will nevertheless be necessary, in certain cases, to make exceptions and apply only one or two of these limits. The cases where such procedure will be needed are envisaged in the list of points proposed for the consultation of Governments, and will be considered in more detail later

## § 1 — Driving Time

A limitation of driving time clearly concerns drivers of vehicles only. It may apply either to the period of uninterrupted driving or to the total driving time

### I UNINTERRUPTED DRIVING TIME

This comprises the time spent in driving a vehicle between two rest periods (breaks or daily rest periods), or between a rest period and some work or duty other than driving. In practice, the fixing of such a limit is justified for reasons of road safety, professional driving, an occupation most exhausting for the nervous system, must be interrupted at suitable intervals

The maximum limit for uninterrupted driving is usually put at  $5\frac{1}{2}$  or 6 hours. When the nature of their work allows drivers sufficient short breaks during service (stops provided for in the time-table, or breaks because the work is intermittent), exceptions to the limit are sometimes allowed, this applies, for instance, to drivers of passenger vehicles on regular routes who can stop driving during the time spent at the terminus, and to taxi drivers, drivers of delivery vans, etc., whose work is frequently broken up by waits

It seems important to fix a limit for uninterrupted driving time, but to leave it to the competent national authority to apply this limit with the necessary flexibility

### II TOTAL DRIVING TIME

The need for a maximum limit for total driving time may also be traced to the idea of ensuring safety on the roads, the object being to limit the most tiring of the various duties which a driver may have to perform, hence the limits for total driving time under national regulations are inclusive daily maxima covering both normal hours of work and overtime. For the purpose of international regulations based on the four factors mentioned above, it is nevertheless indispensable that normal driving time should be

determined, so as to meet the case of the driver who has no subsidiary duties

The figure of 40 hours a week for total driving time might therefore be suggested to Governments. Probably it will, in practice be possible to apply this figure in many countries whose regulations are based on a working week of 48 hours, indeed, it is likely that a figure of 40 hours is in many cases higher than the actual weekly driving time of those groups of workers who regularly have to do subsidiary work of considerable length (many lorry drivers, for instance)

In view of the considerable differences now existing between national regulations and between the conditions of work of various groups of drivers, it would perhaps be preferable for the international regulations to lay down only a weekly limit for total driving time and to leave to national laws or regulations the task of distributing the hours in question over the days of the week and fixing a daily maximum for total driving time

In certain cases, when the driver performs other work during or outside the running times of the vehicle, the total driving time cannot be limited at all. In the case of one-man vehicles, for instance, the driver also acts as ticket-collector, and it is practically impossible to distinguish the time spent in driving from that spent in other activities performed in the latter capacity. Further, if these activities have to be carried on also outside the running time of the vehicle, the driver-conductor performs subsidiary work (loading, unloading, and cleaning the vehicle, book-keeping, etc.), and in this case too it is sometimes difficult to make a clear distinction, in practice, between time spent in driving and time spent in other work

The question of not applying, in these cases, the limits proposed for total driving time has therefore to be considered. It is suggested that in the case of drivers performing the kind of work indicated above the limitation should apply only to hours of work and hours of duty

## § 2 — Hours of Work

Since the limitation of hours of work will be the principal feature of the proposed international regulations, it will be necessary to define exactly the concept of "hours of work" and the factors which compose it

When the expressions used in the Washington Convention concerning the 8-hour day needed more exact formulation, hours

of work were defined as the time during which the worker is at the employer's disposal, excluding breaks during which he is not at the employer's disposal. But a definition of hours in road transport will have to start from different principles. "Hours of work" for travelling transport staff is a composite notion. It covers—for all classes of these workers—a principal and certain subsidiary jobs. The principal job of all travelling staff is done while the vehicle is on the road, i.e. during the period from the moment when the vehicle starts at the beginning of their duty until the moment at which it stops at the end of their duty, excluding breaks during which the worker is free to dispose of his time as he pleases, it may be done on the vehicle itself (driving, or the work of conductors or inspectors), or it may be done off the vehicle but while this is in service (the work of delivery or removal men). Sometimes the time which is a period of rest or waiting for certain members of the crew of a vehicle is a period of actual work for other members of the same crew. This applies to the delivery of goods by van, while the driver is actually doing his work of driving, the delivery-man is passively waiting on the vehicle, and while the goods are being handled, the position is reversed—the delivery-man works and the driver waits.

The use of the term "running time" would provide a common denominator for the widely divergent duties of travelling staff. All work of whatever kind done during this period should be considered as the principal job, to be distinguished from subsidiary work done before or after it.

But in practice the work of travelling staff in road transport is very seldom confined to the running time of the vehicle. Apart from a few groups, such as omnibus drivers on regular routes, whose only duty in many cases is to drive the vehicle, members of the travelling staff have jobs to do before or after their running time. These often consist of preparatory or complementary work, such as taking over and garaging the vehicle or completing certain formalities (handing over of service sheets, paying in the day's takings, or other duties connected with the keeping of accounts, etc.). Sometimes, however, these jobs do not consist, technically speaking, in preparing for or finishing off the worker's principal work, a case in point is where the driver is required to load and unload or to repair his vehicle. Some laws or regulations therefore speak of subsidiary or auxiliary work, or use a general formula to cover all work done outside actual running time.

It is sometimes possible to separate clearly running time and

the work it includes from subsidiary work. But when the latter falls, and essentially belongs, within running time, such a separation is impracticable. Moreover, from the standpoint of labour protection, the question whether a given job is principal or subsidiary should not count at all as soon as real work is being done, its length must be limited in accordance with the maxima laid down in the regulations. Thus the conclusion is reached that hours of work should include both work done during the running time (driving or other jobs) and subsidiary work. They exclude, firstly, periods of waiting or attendance, which would be affected by any limitation of hours of duty, and secondly the breaks in service during which the worker is free to do as he pleases. Most national regulations assimilate short breaks, and those in which the worker cannot do as he pleases, to actual work, and the same method could be adopted for the proposed international regulations.

Such a method of limiting hours of work has been adopted in most schemes which apply specifically to conditions of work in road transport. Viewing the matter from the standpoint of road safety, these schemes assimilate subsidiary jobs to the principal job, which for their purpose is driving, they have thus adopted the method which, it would appear, must be considered for the purpose of international regulations whose principal object is the social protection of the workers.

Besides defining hours of work and running time, the international regulations should define subsidiary work—i.e. all work relating to the vehicle or its load, in so far as this work is done outside its running time. The following jobs in particular would be covered

- (a) The formalities to be completed before, during or after duty (handing over of service sheets, paying in takings after duty and other duties in connection with accounts, reporting after duty, etc.),
- (b) Taking over and garaging of the vehicle and incidental running of the vehicle during hours of duty. In many cases these jobs involve regular overtime before or after the service proper, when the driver has to fetch or garage his vehicle at a place other than his home station, the extra driving is sometimes specially remunerated and must then be added to normal hours of work,
- (c) Upkeep and repair of the vehicle. This work is sometimes left to the driver, but in certain types of transport, partic-

ularly on regular passenger routes, it is done by a specialised staff,

- (d) Loading and unloading of the vehicle This is particularly tiring work, sometimes more so than actual driving, when it is done before, during, and after running time, it cannot be distinguished from the " principal job " done during that time, it is a striking example of the difficulty of distinguishing subsidiary work from the principal duties of road transport staff,
- (e) Feeding and taking care of draught animals This work, which concerns the staffs employed on vehicles drawn by horses or other animals, must be done before, during and after the journey, and on the weekly rest day as well as on other days

As regards the maximum limits for hours of work so defined, different limits will probably have to be provided according as the travelling staff has or has not work to do outside the running time The question of limiting total driving time—the principal work of drivers—has been examined above In many instances it will be necessary, for reasons connected with the organisation of services, to prescribe the same hours of work for drivers and other classes of travelling staff, this will, for example, apply to the crews of goods delivery and removal vans In other instances, different hours may be necessary, because only part of the travelling staff does subsidiary work apart from its principal job This position may arise, for example, in goods transport, when the delivery-men are required not only to deliver but also to load and unload the vans, whereas the drivers are only required to do the actual driving Lastly, different time schedules may also be necessary where the work of certain classes of travelling staff is of a particularly intermittent character, whereas that of other classes is continuous, this may apply to the staffs of urban motor buses, where drivers, conductors, and inspectors are placed on different schedules because the work of some is more intermittent than that of others

The proposed international regulations must take these three possibilities into account The case of intermittent work is covered by the provisions concerning hours of duty, which are examined below As to the case in which members of the travelling staff are fully engaged with actual work, provision should be made for two alternative solutions, permitting a lower limit to be fixed for persons

working only during the running time of the vehicle, and a higher limit for those who do subsidiary work in addition to their principal job

The following two weekly limits might therefore be suggested 46 hours for travelling staff ordinarily doing a considerable amount of subsidiary work and 40 hours for staff not doing such work The difference between these two limits (6 hours a week, or an average of one hour a day) represents the quota of time which would be allowed to undertakings for subsidiary work

If such work consists very largely in preparing or finishing off the principal job, probably not more than an average of one hour a day need be allowed for it Moreover, such a figure is found in the regulations—admittedly not common in road transport—which provide for permanent exceptions for carrying out preparatory and complementary work A higher figure is sometimes prescribed when the regulations authorise no special extension on account of intermittent work, but as it is now proposed to provide for such an extension in the form of a limit for hours of duty, it does not seem advisable to permit the maximum of one extra hour (average) a day or six hours a week for subsidiary work to be exceeded

When the object of subsidiary work is not purely to prepare for or finish off the worker's principal job, it often requires more than an hour a day (for instance, loading and unloading goods by drivers or delivery-men, periodical cleaning of vehicles, etc ) In these cases it would be practically impossible to separate the work done during running time from other work, and a single inclusive limit for hours of work will have to be fixed The distribution of the authorised number of hours over the different jobs will vary from case to case according to the needs and nature of the service

The two limits proposed for hours of work are weekly limits But the peculiar nature of work in the road transport industry very often requires a more flexible method of calculating hours, and most regulations therefore permit calculation over periods longer than a week, provided the authorised average duration is not exceeded The period over which hours may be spread varies widely between one scheme and another (from a fortnight to a year), and an appropriate maximum will have to be laid down in the international regulations

It has been suggested that while the limitation of hours of work, including subsidiary work, should normally be combined with a limitation of total driving time, including other work performed during the running time of the vehicle, in certain cases a separate

limit for the last-named occupations—driving and other work performed during the running time of the vehicle—cannot be applied. For certain classes of travelling staff, however, it will be necessary to go further and provide for their exemption also from the limits fixed for hours of work. The work of these persons will have to be left with no other limitation than that provided by the limitation of hours of duty. Their exemption from the limitation of hours of work is necessitated by the difficulty of distinguishing, within their hours of duty, their hours of actual work. This difficulty arises in the case of all work which is broken by frequent periods of mere attendance or waiting, as, for instance, that of taxi drivers, drivers of private cars, certain classes of inspectors and conductors, etc.

### § 3 — Hours of Duty

As distinct from hours of work, which include only periods of actual work or of rest regarded as forming part of such periods, the term “hours of duty” covers not only periods of work in the strict sense, but also time spent in waiting or in mere attendance. It represents the whole of the time during which the worker is at the disposal of the employer or of any other person entitled to demand his services. Periods of mere attendance or waiting include all time during which the worker remains at his post only in order to reply to any call that may be made or to resume his work at the hour fixed in the time-table. Breaks and interruptions of service during which the worker disposes freely of his time, on the other hand, are excluded from hours of duty. So defined, hours of duty include the whole of the time which the worker must devote to the performance of his everyday work.

Many classes of travelling staff engage in intermittent work—e.g. motor-bus and motor-coach staff (regular interruptions and stops indicated in the time-table), delivery-men, taxi drivers, private chauffeurs (intervals between two periods of work), etc. Seeing that during these periods of attendance the worker is not called upon for physical activity or sustained attention, the intermittent character of his work may be taken to justify its extension beyond the limits set for hours of work in the ordinary sense. The extension may take place independent of the kind of work done.

The regulations of many States have laid down limits for hours of duty, either as the basis of the whole system of regulation or together with a maximum limit for hours of work. Besides the



regulation of hours of duty, however, there are two other ways in which account may be taken of the intermittent character of certain work, the authorisation of the regular extension of normal hours of work, and the conversion of hours of mere attendance into terms of hours of actual work, at a rate for example of 50 per cent (i.e. one hour of attendance would be deemed equivalent to half an hour of actual work)

The first two of these methods—limitation of hours of duty, and, failing this, the permanent authorisation of the extension of driving time and hours of work in the case of intermittent work—are the most common, and correspond most closely to conditions of employment in road transport, the second is discussed on a later page. The third is not further considered.

It is suggested that there should be a single limit, say of 52 hours per week, to hours of duty. This figure would exceed the proposed weekly limit of hours of work by 6 hours in cases in which the worker has subsidiary jobs in addition to his principal work, and otherwise by 12 hours. In other words, it is suggested that daily hours of work might be extended on an average by one and two hours respectively, for work of a specially intermittent character.

These differences between the limits fixed for hours of actual work (driving time and hours of work) and hours of duty may appear excessive. The fact brought to light in the analysis of national regulations made in the documentary part of this Report, however, must not be forgotten: the average difference between hours of work and hours of duty generally exceeds one hour per day. This is the figure that is proposed for persons performing subsidiary work in addition to their principal work. A difference of two hours per day between these limits is very common, while in some cases the difference may be as much as three hours. This is due to the important part played in road transport by waiting on call, which necessarily involves the prolongation of the working day.

It should also be remembered that where, as suggested above, certain classes of workers are exempted from the limitation of hours of work, the limitation of hours of duty will be the only form of limitation imposed on the everyday work of these classes.

The averaging of hours is provided for in respect of hours of duty, as in that of hours of work. An analysis of national regulations reveals a fairly general tendency to impose shorter maximum periods for the calculation of average hours of duty than for that of average hours of work. In practice, this period never exceeds four weeks, and it would indeed seem desirable to restrict the

periods over which hours that are already relatively long may be averaged. Although no maximum is suggested in this respect, it is felt that mention should be made of the tendency just referred to, which may have to be taken into account in framing the proposed international regulations.

#### § 4 — The Spread of the Working Day

The spread of the working day comprises the time between the end of one daily rest period and the beginning of the next, and is thus the period over which the work of the day may be spread. It may be extended in cases in which the work is organised in shifts with long intervals between shifts, or in which the intermittent nature of the work justifies the inclusion of breaks for rest in the periods of waiting or mere attendance normally occurring in the course of duty. Certain regulations concerning taxi drivers, for instance, authorise, as a permanent extension of hours of work, an inclusive quota of hours which includes both hours of mere attendance and breaks.

The limitation of the spread of the working day is thus of practical interest to all classes of travelling staff engaged in work organised in shifts, or in particularly intermittent work, and completes the system of limitation considered above—limitation of driving time, of hours of work, and of hours of duty.

There are two ways of limiting the spread of the working day by fixing the maximum number of hours which may elapse between the beginning and end of duty, or by limiting the elements of which the working day is composed, i.e. hours of duty and interruptions of work. It is suggested that the first of these methods, which is both the commoner and simpler of the two, should be retained for consideration. It is much easier to enforce the application of a limit covering all the hours which may elapse between the beginning and end of duty than of several limits for hours of work and rest periods.

The limits set by national regulations vary widely from country to country and a high figure is sometimes fixed in order to enable the work to be done in broken shifts involving one or more interruptions. In view of the different solutions adopted, the Office considers it preferable not to suggest any definite figure in the international regulations themselves, but to provide that each country should fix its own limit.

Under certain conditions the spread of the working day may be

limited indirectly by prescribing a minimum daily rest period. When work begins at the same time every day, for instance, the minimum rest period which must be completed before work begins indirectly determines the time at which the preceding spell of work must end. If, for example, with a compulsory minimum daily rest of 11 hours, work were to end at 11 p.m. on one day instead of at 6 p.m., the starting time on the following day could be 9 a.m. instead of 5 a.m. Where arrangements of this kind are possible, the fixing of a minimum daily rest will not suffice to prevent too long a daily spread of work, and it is accordingly proposed that a direct limit should also be set to the spread of the working day, apart from the requirement of a minimum daily rest period.

### § 5 — Breaks

Interruptions of work may be introduced either on account of the workers' need for rest after a certain number of hours of work, or in connection with the organisation of the work in shifts. Pauses or breaks are usually short and are in many countries included in hours of work when they do not exceed a certain length, when the worker is not free to dispose of his time as he pleases, or when both these conditions are fulfilled. The international regulations will have to define the conditions under which breaks shall be included in hours of work. Where national regulations provide for the inclusion of short breaks in hours of work, the maximum length of the break is often limited to 30 minutes.

### § 6 — The Making Up of Lost Time

The making up of lost time is a measure halfway between that of averaging normal hours of work over a longer period than the week and that of permitting their extension. While the averaging of hours of work meets the need to render the system of regulation sufficiently elastic, and is the method commonly used in road transport, the making up of lost time is introduced in cases in which hours of work have been lost owing to causes specified in the regulations and have to be made up in order to avoid the disorganisation of the services. The making up of lost time is thus contemplated for exceptional circumstances resembling, in some respects, those justifying the extension of hours of work. The principal difference between the making up of lost time and the extension of hours

of work lies in the fact that only lost time can be made up—that is, that even when the daily maximum is exceeded for the purpose of making up lost time, the total number of additional hours must not exceed the number of hours lost

From the point of view of the employer, the authorisation to make up lost time affords some safeguard against the possible loss of working time due to the accidental disorganisation of running schedules. It may also be to the advantage of the workers, in certain cases, to be able to make up their normal weekly wages by making up lost time.

The regulations should both define the circumstances in which the making up of lost time is permitted and prescribe conditions for the extension of normal hours.

The making up of lost time is not very common in road transport, this is explained in part by the fact that the transport regulations of most countries contain other provisions introducing a measure of elasticity in normal hours of work and of duty. In the rare cases in which it is found, it is permitted only in respect of time lost as a result of accidental causes or public holidays falling on working days. It will have to be decided whether the international system of regulation should authorise the making up of time lost as a result of these two causes.

A limit is usually fixed in national regulations for the period during which the lost time may be made up, and such a limit will also have to be fixed in the international regulations.

#### IV — EXTENSIONS OF HOURS OF WORK

##### § 1 — Regular Extensions of Driving Time and Hours of Work

An account was given above, in the section devoted to normal hours of work, of the systems permitting an extension of the hours spent on the principal job in order to make possible the carrying out of subsidiary work and to take account of the particularly intermittent character of certain kinds of work. These systems determine hours of work, in which subsidiary work is included, and hours of duty, a figure supplementing that of hours of work. The two limits (of hours of work and hours of duty) can be applied only in cases in which the workers engage regularly and to a considerable extent either in subsidiary work or in work frequently interrupted by periods of mere attendance or waiting.

An alternative solution of the problem would be to fix hours of work in the sense of hours spent by the worker on his principal work, and to authorise at the same time the extension of these hours for the execution of subsidiary work and for the purpose of compensating inactivity in periods of mere attendance or waiting. A system of this kind would have to be modelled upon the hours of work regulations for industry in general, for there are very few examples of it in road transport regulations.

A proposal parallel to that made above in the section dealing with normal hours of work may be made here that an extension of the hours fixed for the principal work (work done during the running time of the vehicle) by 6 hours should be authorised for carrying out subsidiary work.

Under such a system, if the hours fixed for the principal work were 40 per week, total hours of work (including subsidiary work) would be 46 per week.

Another quota of 6 hours per week might be provided as a means of making up for the intermittent nature of the work. This second quota might be added either to the hours fixed for the principal work (40 per week) or to the total hours of work including subsidiary work (46 per week). Thus, in the case of intermittent work, maximum hours would be 46 weekly in cases in which no subsidiary work is done, and 52 weekly in cases in which the worker has subsidiary work in addition to his principal work.

## § 2 — Extensions in view of Exceptional Circumstances

A second group of extensions is provided to meet the following exceptional circumstances:

- Accidents occurring on the road, running repairs, disorganisation of services or interruptions of traffic due to *force majeure*, rescue work,
- Unforeseen delays,
- Replacement of absent staff

Extensions of this kind are permitted by all national regulations, since accidental circumstances such as those enumerated may render the working of additional hours absolutely necessary.

The driver of a vehicle must guarantee regular services for the transport of passengers or goods, whatever accidents may occur *en route*. Even when breakdowns or unforeseen delays occur, he

must finish his run and garage the vehicle. Other cases in which extensions must be authorised are those in which services interrupted by bad weather, landslides or other acts of God have to be restored, or rescue work has to be carried out in connection with calamities of one kind or another. They are also allowed, as a rule, when one or more members of the staff are absent owing to sickness or other causes, or when a worker is absent at the moment of relieving a shift (when the work is organised in shifts).

The length of the extension cannot be fixed exactly, but should be limited to the time strictly necessary for the performance of indispensable work. In the case of accidents occurring on the road, for instance, the driver must effect the necessary repairs himself, or stand by while they are effected by another at the place of the accident, or remain with the vehicle until it is brought to a garage for repair.

As regards the remuneration for these additional hours, it should be remembered that they unquestionably constitute an extension of the normal hours of work of the persons involved, and should therefore be remunerated. But whether the rate of pay should be higher than that for normal hours is open to question. The employer derives no profit from these extensions, but only reduces to a minimum the loss resulting from the disturbance in the services of his undertaking. It often happens too that the extension is required not in the interest of the employer, but in that of the public. On the whole, increased rates of remuneration do not seem desirable in the case of extensions authorised for the above-mentioned causes, though they are provided by the regulations of a certain number of countries.

It should be made possible to apply these extensions without previous formalities, since the interest of the employers, of the workers, and in some cases of the public, demand the execution of the work with the least possible delay.

### § 3 — Extensions due to Shortage of Skilled Labour

The shortage of skilled labour, which often makes itself felt when certain branches of economic activity are in process of development, and sometimes also when hours of work are reduced, may affect some of the workers covered by the proposed regulations. The work of a driver of a motor vehicle calls for special knowledge and qualifications, his possession of which is in practice attested

by his driving licence, and such acquaintance with mechanics as will enable him, if necessary, to carry out certain repairs. The professional driver is thus quite definitely a skilled worker, so that in cases of labour shortage there would appear to be grounds for permitting the extension of his hours.

An employer desiring to apply the extension envisaged should be required to obtain permission by proving his inability to replace absent staff with properly qualified drivers. Before coming to a decision, the competent authority should consult the organisations of employers and workers concerned, and satisfy itself that the extra workers required are in fact not available.

#### § 4 — Overtime at an Increased Rate of Remuneration

The fourth group of extensions consists of overtime paid at an increased rate and worked with a view to meeting economic requirements of various kinds.

The working of overtime is specially necessary in road transport at times of pressure of work, and for the rapid transportation of perishable goods. It would nevertheless seem advisable to leave employers free to use the quotas of overtime allowed to them as they require. It may be recalled that the international Conventions on hours of work in coal mines and in the textile industry provide quotas of overtime without defining the conditions on which they may be utilised.

Two methods may be used to meet requirements of an economic order. The first, which is the most usual in national regulations, consists in fixing hours of work over a period long enough to permit the inclusion of part of the necessary extensions in the normal hours. The second consists in determining normal hours of work more closely and fixing a specially high quota of overtime.

Both these methods might be retained in a system of international regulation. In the countries where an elastic limitation of hours of work is secured by permitting the averaging of hours over a period longer than a week, a quota of 75 additional hours annually would probably suffice to meet economic requirements. In countries in which hours may be averaged over periods not exceeding a week, however, a higher quota would have to be envisaged—say 150 hours annually. These figures are given tentatively only, as the quotas are fixed by the national authorities and, varying from country to country, are not easily comparable.

In the international Convention on hours of work in the textile

industry two quotas are provided, one for use by all countries and the other reserved for countries in which the law limits hours of work strictly on a weekly basis

It should be remarked that employers in road transport appear not always to make full use of their right to introduce overtime. In one country, for instance, where hours of work may be calculated as an average over a maximum period of three months, the employers have not yet applied for permission to work overtime, although the law provides for the granting of such permission, in certain cases, for the whole of industry, including transport. The restricted use of these quotas to meet economic requirements would seem to be due to the fact that hours of work in road transport are frequently spread over a period considerably longer than the week, and may be extended regularly for the performance of subsidiary work. Further, passenger transport undertakings work to a regular time-table, and seldom need to face an exceptional pressure of work.

The determination of the quotas of overtime within the limits laid down by the international regulations should be left to the competent national authority, which should consult the organisations of employers and workers concerned.

It is generally admitted that overtime should be paid at an increased rate. The rate varies greatly from country to country, and often within each country according to the terms of the agreements concluded between the interested parties. Sometimes a flat rate of overtime pay is fixed, sometimes the rate varies with the amount of overtime worked and according as it is worked by day, at night, on Sundays or on public holidays. As a general rule, overtime is paid at not less than one-and-a-quarter times the normal rate, and in many cases the rate is higher. The international Conventions relating to hours of work lay down a flat rate of not less than time and a quarter. Even the Convention on hours of work in the textile industry which provides for a first quota and a second quota, maintains the same rate for both quotas. It would appear therefore that the proposed international regulations might also provide for a flat rate of not less than one-and-a-quarter times the normal rate.

## V REST PERIODS

### § 1 — The Daily Rest

The proposed international regulations should relate not only to the hours of work but also to the rest periods of the travelling staff of road transport undertakings, in actual fact, the organisation of rests for this class of workers is very closely bound up with the



provisions governing their hours of work. For the reasons mentioned in the documentary part of this Report, road transport work is frequently organised in shifts or on a rotation system, and often there must be workers on duty for part of the night (particularly for passenger transport)—indeed, sometimes work must go on day and night without a break (taxi-driving, for instance). The result is that many regulations permit night work for all road transport or for certain classes of workers in the industry. Moreover, road transport work at night is usually paid at the same rates as day work. Lastly, in certain countries it is provided that the working day in this industry need not coincide with the calendar day, but simply means a specified time within any period of 24 hours.

In view of all these circumstances, which go to show that national laws and regulations aim at flexibility in the organisation of the daily rest for road transport workers, it would appear preferable not to include in the proposed international regulations a provision to the effect that the rest must fall at night, or, indeed, any provision relating to night work. On the other hand, it seems necessary to fix a minimum for the length of the daily rest and to define the conditions in which exceptions to this rule may be permitted.

For the worker, each period of 24 hours is composed of the time over which his hours of work may be spread (the spread of the working day) and his rest period. It is suggested that Governments should be consulted on the desirability of fixing a minimum daily rest period of 10 or 11 hours—the minima most frequently found in national regulations. The adoption of a limit of 10 hours would mean the indirect authorisation of a 14-hour limit for the spread of the working day unless it is possible to alter the starting time of work and lengthen the spread of the working day without reducing the minimum rest period.

It does not seem possible to fix a minimum for the daily rest period from which no variation would be allowed. Just as for normal hours of work, it is sometimes necessary to allow the length of the daily rest to be calculated as an average in order that the regulations may be enforced with greater flexibility. A provision that the daily rest may be reduced below the minimum on a specified number of days in the week, on condition that its average length does not fall below that minimum, should therefore be considered.

A second possibility for which provision might be made is that of reducing the daily rest when shifts are being changed over, for the existence of a shift system necessarily involves either longer hours of work or a shorter rest on the day of the change-over.

The reduction of the daily rest period may lead to abuses dangerous not only from the standpoint of the social protection of the workers but also from that of traffic safety. An absolute minimum might therefore be fixed, below which the length of the uninterrupted rest must in no circumstances fall. Such absolute minima are frequently laid down in national regulations, particularly in cases in which the averaging of the daily rest period is permitted. The national regulations usually stipulate that the length of the daily rest may be reduced by not more than one or two hours.

It is not suggested that the proposed international regulations should contain similar provisions, but it is felt that these provisions should be mentioned in case it should be decided to add to the questions to be submitted to Governments on this point.

## § 2 — The Weekly Rest

The organisation of the weekly rest raises problems somewhat similar to those just referred to with regard to the daily rest.

In all passenger transport, and in certain branches of goods transport (in particular the transport of perishable goods and articles for immediate use), operation during all seven days of the week is necessary, and such operation is generally permitted, either for all road transport or for certain classes only. As in the case of the daily rest, the question is one of providing all workers with a weekly rest by judiciously organising the rotation and change-over of shifts. Further, for obvious social reasons, it is desirable that this periodical rest day should fall as often as possible on Sunday or any other day determined by tradition or custom.

While the main features of the problem of the weekly rest that are special to road transport should thus be borne in mind, it should not be forgotten that this problem has already received an international settlement through the adoption of the Weekly Rest (Industry) Convention by the Third Session of the International Labour Conference in 1921. This Convention, which applies also to the transport of passengers and goods by road, provides that workers shall receive a period of rest comprising at least 24 consecutive hours in every period of seven days, and it states further that the rest period shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking and shall, wherever possible, coincide with the days already established by the tradition or custom of the country or district. The Convention

permits persons employed in family undertakings to be excepted, and provides also for other exceptions, total or partial, including suspensions or diminutions, on condition that special regard is had to all proper humanitarian and economic considerations. In this last case provision must be made as far as possible for compensatory rest periods for the suspensions or diminutions allowed. The Convention had been ratified by 29 States in January 1938.

Since the question of the weekly rest in road transport is governed by the Convention of 1921, it does not appear necessary to re-examine it in connection with the international regulations now proposed.

## VI — GRADUAL APPLICATION OF THE REGULATIONS

The transition from the hours of work scheme now in force to one framed in conformity with the proposed international regulations would necessitate a transitional period during which Governments might permit longer hours than the permanent maxima considered above. Road transport is now in full course of development, and in most countries it has not found a stable form of organisation. Certain difficulties might therefore be encountered if an attempt were made to alter the conditions of operation and employment too suddenly, and it would perhaps be desirable if the hours of the workers employed in these undertakings were to be reduced only by degrees.

If the principle of gradual reduction is accepted, the maximum length of the transitional period would have to be determined, two or three years, for instance, might be considered. Secondly, the international regulations would have to fix the maximum normal hours of work during this period, if these were fixed at 42 in the week for driving time, 48 for hours of work, and 54 for hours of duty, figures would be established corresponding to those contained in most national schemes. The conditions governing the calculation of hours of work and hours of duty as averages might be the same as for the permanent scheme.

## VII — SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 19, paragraph 3, of the Constitution of the International Labour Organisation provides that in framing a Draft Convention the Conference shall have due regard to those countries in which

climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different, and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries

The above-mentioned factors exert an influence not only on the conditions of industrial life proper, but also on the organisation of passenger and goods transport. It would appear therefore that the existence of these factors justifies certain exemptions from the general scheme which is to be established by the international regulations, and that Governments should be consulted on the introduction of such exemptions. These might consist of

First of all, total exemption from the provisions of the regulations for the territories of certain countries which, by reason of the sparseness of their population or the inadequacy of their economic development, have not the practical means of setting up the administrative organisation necessary to secure effective enforcement of the proposed regulations

Secondly, exemption of family undertakings and undertakings employing a number of workers lower than a figure to be laid down in the international regulations. In every country, and more particularly in those which might take advantage of the special provisions, the extension of social legislation to undertakings of this sort sometimes meets with serious obstacles owing to the great difficulty of efficiently supervising its enforcement. But supervision is particularly difficult and particularly important in road transport, and it therefore appears preferable to provide explicitly for the exemption of family undertakings and other small concerns from the scope of the regulations, which would then be limited to undertakings that the administrative authorities could really supervise. Such an exemption would considerably facilitate the ratification and application of the proposed international regulations by countries whose economic structure cannot be compared to that of countries with a relatively highly developed economic and social system

Other undertakings would be covered by the general provisions of the international scheme. But here again there is the special fact to be taken into account that in most countries which could claim to come under special provisions, hours of work in industry and other branches of employment are considerably longer than in the countries which would be covered by the general scheme. Road transport is so closely bound up with industrial life in general

that it does not seem possible to introduce widely different limits for hours of work in these two economic fields. It is for this reason that the possibility of exceptions to the maximum limits provided in the general scheme is contemplated. Nevertheless, in several of the countries which could claim to be covered by the special provisions, the staff of one class of road transport—the transport of passengers on regular routes by motor vehicles—would appear already to enjoy conditions of employment fairly similar to those met with in other countries.

Two sorts of exceptions from maximum hours might therefore be introduced for passenger transport by motor bus or coach on regular routes, driving time might for instance be limited to 44 hours, hours of work to 50, and hours of duty to 56 in the week, and longer periods could be considered for other classes of passenger transport and particularly for goods transport, which has to be organised with reference to conditions of work in industry and commerce.

## VIII — SUSPENSION OF THE APPLICATION OF THE REGULATIONS

A certain number of national regulations relating to industry in general or to road transport in particular provide either that hours of work may be extended or that application of the regulations may be suspended in exceptionally urgent circumstances. It must be asked whether, for the purposes of the proposed international regulations, the wider of these two methods—i.e. suspension—is not the more suitable.

The suspension of the international regulations could be provided for in the cases most frequently cited in the national regulations—the necessity for meeting the requirements of national security, for working a service of public utility, or for protecting the national economic system.

The suspension of the application of the regulations is a measure of particular importance, and may have serious repercussions on the economic relations between the suspending country and other countries. It will be necessary to make provision for the notification of the International Labour Organisation, and of the States participating in the proposed scheme of international regulation, in cases in which a State makes use of its right to suspend application. It is suggested that any Government deciding to take such

a step should be under the obligation to inform the International Labour Office immediately, and to indicate the reasons for its decision. This obligation would to some extent discourage such action by the Governments, and this would seem highly desirable, since suspension should only take place in altogether exceptional circumstances.

## IX — SAFEGUARDING CLAUSE

The Constitution of the International Labour Organisation in Article 19, paragraph 11, lays down the principle that in no case shall any Member be asked or required, as a result of the adoption of any Recommendation or Draft Convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

At recent sessions of the Conference, proposals have been submitted to include this principle in the texts of international regulations as a specific provision. Thus in the Reduction of Hours of Work (Textile Industry) Convention, 1937, the following Article was inserted:

“ In accordance with Article 19, paragraph 11, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions to the workers than those provided for by this Convention ”

It is suggested that Governments be consulted as to the inclusion of an identical clause in the proposed international regulations.

## X — SUPERVISION OF ENFORCEMENT OF THE REGULATIONS

Really efficient supervision of the enforcement of the regulations is particularly important in the road transport industry. Members of the travelling staff of a transport undertaking, unlike most industrial and commercial workers, have no workplace which they share with their colleagues. It is true that each member is attached to a home station, to which he goes when starting duty (this is usually the place where the vehicle on which he works is garaged), but the scene of his daily work is not laid in any single place, and indeed often varies from day to day. Supervision of

the enforcement of the regulations must therefore be divided into two parts according as it takes place in premises (stations, depots, etc) or on the roads. These two sorts of supervision require different material arrangements and often different inspectors, and, to be efficacious, a check on hours in road transport must relate both to premises and to the roads.

In order to secure effective supervision national regulations tend to place certain obligations on employers and workers, and the international regulations will have in addition to provide for certain obligations on Governments.

The obligations to be imposed on employers relate to the preparation of a work roster, to be communicated to the workers concerned and to the supervisory authorities by posting up the roster, notification to the competent authority, etc., and the keeping of a register or of an individual card for each worker containing information on his hours of work. These may be supplemented by an obligation peculiar to road transport—that of supplying each driver with a control book, for wide experience in the national field has shown this to be the sole really efficacious method of checking daily hours of work.

The obligations imposed on the worker would consist in keeping the control book and entering in it the principal facts concerning the duration of his daily duties.

Lastly, each Government would undertake to prepare a standard control book and to set up or maintain a system of supervision covering not only garages, depots and other premises but also the vehicles travelling or standing on the highway.

Further, with a view to the international supervision of the enforcement of the regulations, Governments would be required to provide information relating in particular to the following points:

The cases in which the national regulations allow the non-application of the limit set for driving time or of the limits for hours of work, the method of averaging and the method of fixing the daily limits for hours of work and hours of duty, the number of hours of overtime worked, the gradual application of the regulations, and action taken under the special schemes laid down for certain regions or countries.

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# CONSULTATION OF GOVERNMENTS

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*The foregoing analysis of the problems which might be dealt with by international regulations permits of fixing as completely as possible the points on which Governments might be consulted in conformity with the provisions of Article 6 of the Standing Orders of the Conference*

*Taking into account the conclusions reached above and the methods of solution on which international agreement may be possible, the Office has drawn up a list of the points on which it considers that the Conference might request it to consult Governments*

## I — FORM OF THE REGULATIONS

### 1. Draft Convention.

## II. — SCOPE

### § 1 — SCOPE AS REGARDS UNDERTAKINGS

#### 2. Application of the international regulations •

- (a) To undertakings engaged wholly or mainly in road transport; or
- (b) Also to undertakings engaged in road transport, but not wholly or mainly.

#### 3. Possibility of excluding by national laws and regulations the following classes of undertakings or classes of transport :

- (a) Transport by undertakings for the hire of hackney carriages (taxis or cabs),
- (b) Transport by agricultural and forestry undertakings;
- (c) Transport of sick and injured persons by hospitals, nursing homes and similar establishments, or by undertakings specialising in this branch of transport;



- (d) Transport by hotels of passengers and their luggage between the establishment and the station or port of arrival or departure;
- (e) Funeral undertakings;
- (f) Transport by public services directly administered by the State or local authorities, when such services are not of an industrial or commercial nature.

## § 2 — SCOPE AS REGARDS VEHICLES

### 4. Application of the international regulations :

- (a) To all vehicles used in road transport; or
- (b) Only to power-driven vehicles, whether self-propelled vehicles or trailers.

## § 3 — SCOPE AS REGARDS PERSONS

### 5. Application of the international regulations :

- (a) To all travelling staff ordinarily engaged in a professional capacity on work connected with the vehicle or its load; or
- (b) Only to professional drivers of vehicles used in road transport.

6. Possibility of exempting by national laws and regulations professional drivers of private vehicles used solely for personal services.

### 7. Application of the international regulations :

- (a) To all travelling staff ordinarily engaged in a professional capacity on work connected with the vehicle or its load; or
- (b) Only to wage-earning staff, to the exclusion of owners, persons operating a concession, managers or directors of undertakings, and members of their family.

## III. — NORMAL HOURS OF WORK

### § 1 — DRIVING TIME

8. Limitation of the period of uninterrupted driving, for example, to 5½ hours, or 6 hours.

9. Exceptions to this limit in cases where stops provided for in the time-table or the intermittent nature of the work ensure sufficient breaks for the driver.

10. Limitation of total normal driving time, for example, to 40 hours per week.

11. Possibility of not applying the limit fixed for normal total driving time when the driver does other work, besides driving the vehicle, during the running time of the vehicle or outside such running time, application in this case solely of the limits fixed for hours of work and hours of duty.

## § 2 — HOURS OF WORK

12. (a) Definition of hours of work of the travelling staff to comprise time spent in driving and in any other work done during the running time of the vehicle, as well as subsidiary work;

(b) Exclusion from hours of work of all periods of attendance or waiting and of breaks and interruptions of work, during which the worker is free to dispose of his time as he pleases.

13. Definition of running time, to comprise the time from the moment when the vehicle starts at the beginning of duty until the moment when it stops at the end of duty, excluding breaks and interruptions of work during which the worker is free to dispose of his time as he pleases.

14. Determination of subsidiary work, to comprise all work connected with the vehicle and its load done outside the running time of the vehicle, and more particularly :

- (a) Formalities completed before, during or after service (accounts relating to transport, signing registers, handing in service-sheets, etc.);
- (b) Taking over and garaging of the vehicle and incidental running of the vehicle during service,
- (c) Upkeep and repair of the vehicle;
- (d) Loading and unloading of the vehicle;
- (e) Feeding and care of draught animals.

15. Limitation of normal hours of work :

- (a) For travelling staff which ordinarily does a considerable amount of subsidiary work : to 46 hours per week, for example;

- (b) For travelling staff which does not ordinarily do a considerable amount of subsidiary work: to 40 hours a week, for example

16. Possibility of not applying the limits fixed for hours of work when work is frequently interrupted by periods of attendance or waiting, application in this case solely of the limit fixed for hours of duty.

17. (a) Calculation of weekly hours of work as an average over a period longer than a week,

- (b) Fixing of the maximum period over which hours may be averaged.

### § 3 — HOURS OF DUTY

18. (a) Definition of hours of duty, to comprise the time during which the worker is at the disposal of the employer or of any other person entitled to claim his services;

- (b) Determination of the factors constituting hours of duty:

- (i) Inclusion in hours of duty of periods of work and of periods of attendance or waiting during which the worker remains at his post solely in order to reply to possible calls or to resume work at the time fixed in the time-table;
- (ii) Exclusion from hours of duty of breaks and interruptions of work during which the worker is free to dispose of his time as he pleases.

19. Limitation of normal weekly hours of duty to 52 for example.

20. (a) Calculation of weekly hours of duty as an average over a period longer than a week,

- (b) Fixing of the maximum period over which hours may be averaged.

### § 4 — SPREAD OF THE WORKING DAY

21. Fixing in each country of the maximum spread of the working day, through stipulation of the number of hours permissible between the beginning and end of duty

### § 5 — BREAKS

22. Inclusion in hours of work of breaks for rest not exceeding a duration specified in each country or of rest periods during which the worker is not free to dispose of his time as he pleases.

§ 6 — MAKING UP LOST TIME

23 Making up of time lost as a result of.

(a) Accidental causes;

(b) Legal public holidays falling on a working day.

24. Fixing of a time limit for the making up of lost time.

IV. — EXTENSIONS OF HOURS OF WORK

§ 1 — REGULAR EXTENSIONS OF HOURS OF WORK<sup>1</sup>

25. (a) Possibility of providing, in national regulations that limit normal hours of work irrespective of subsidiary work done outside the running time of the vehicle, for a regular extension of hours of work.

(b) Fixing of the limit of such extension: at 6 hours per week, for example.

26. (a) Possibility of providing, in national regulations that limit normal hours of work irrespective of periods of mere attendance or waiting, for a regular extension of hours.

(b) Possibility of applying this extension:

(i) In cases in which the travelling staff is at work solely during the running time of the vehicle;

(ii) In cases in which the travelling staff does subsidiary work in addition to the work done during the running time of the vehicle.

(c) Fixing of the limit of the extension mentioned under 26: at 6 hours per week, for example.

§ 2 — EXTENSIONS IN VIEW OF EXCEPTIONAL CIRCUMSTANCES

27. Indication of the circumstances justifying extension:

(a) Accidents occurring on the road, running repairs, dislocation of services or interruptions of traffic due to *force majeure*, rescue work,

(b) Unforeseen delays;

(c) Replacement of absent staff.

28. Limitation of extensions to time needed for indispensable work.

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<sup>1</sup> Alternative system to that provided under III, §§ 1-3 above Cf p 241

### § 3 — EXTENSIONS DUE TO SHORTAGE OF SKILLED LABOUR

29. Extension allowed only in the case of proved lack of indispensable skilled labour.

30. Procedure for the authorisation of extension: decision of the competent national authority after consultation with the organisations of employers and workers concerned.

### § 4 — OVERTIME AT INCREASED RATES OF REMUNERATION

31. Possibility of introducing overtime on condition that increased rates are paid.

32. Limitation of the maximum annual allowance of overtime by the international regulations;

- (a) When hours of work and of duty are calculated as an average over a period exceeding a week: to 75 hours, for example.
- (b) When hours of work and of duty are calculated over a period not exceeding a week: to 150 hours, for example;

33. Procedure: fixing of the allowance by the competent national authority, after consultation with the organisations of employers and workers concerned.

34. Fixing by the international regulations of the minimum rate of overtime pay: at not less than one-and-a-quarter times the normal rate, for example.

## V. — THE DAILY REST

35. Principle of an uninterrupted daily rest in every period of 24 hours.

36. Fixing of the minimum length of the uninterrupted daily rest: at 10 or 11 hours, for example.

37. Reduction in the length of the uninterrupted daily rest:

- (a) On a specified number of days in the week, provided that the resulting average rest does not fall below the prescribed minimum,
- (b) When shifts are changed over.

## VI. — GRADUAL APPLICATION OF THE REGULATIONS

38. Principle of reducing hours by stages.

39. Fixing of the maximum length of the transitional period (three years, for example).

40. Fixing of maximum limits during the transitional period, for example :

- (a) For total driving time or for any other work done during the running time of the vehicle, 42 hours per week.
- (b) For hours of work, including subsidiary work, 48 hours per week.
- (c) For hours of duty, 54 hours per week.

## VII. — SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

41. Possibility of exempting from the application of the international regulations, in the case of certain countries, the territories in respect of which by reason of the sparseness of their population or the stage of their economic development it is impracticable to create the administrative organisation necessary to secure effective enforcement of the proposed regulations

42. Possibility for certain countries of exempting from the application of the international regulations family undertakings and undertakings employing a number of workers lower than a figure to be specified by these regulations.

43. Exceptions for certain countries to the normal hours of work laid down for undertakings subject to the international regulations :

- (a) Possibility of fixing maximum weekly limits for the normal hours of work of the travelling staff of undertakings engaged in passenger transport by motor bus or coach on regular routes; these limits might be, for example :

- (1) For driving time or for all work done during the running time of the vehicle, 44 hours;

- (11) For hours of work including subsidiary work, 50 hours,
  - (111) For hours of duty, 56 hours.
- (b) Possibility of fixing, in the international regulations, limits higher than those laid down under 43 (a) for the driving time, hours of work, and hours of duty of persons engaged in other classes of passenger and goods transport.

## VIII. — SUSPENSION OF THE APPLICATION OF THE REGULATIONS

### 44. Principle of suspension.

- (a) In case of necessity for meeting the requirements of national safety;
- (b) In case of necessity for ensuring the working of a service of public utility;
- (c) In case of necessity for protecting the national economic system

45. Obligation to notify the International Labour Office immediately of the suspension of the regulations, with an indication of the reasons which have led to it

## IX — SAFEGUARDING CLAUSE

46. Inclusion in the regulations of a safeguarding clause providing that, in accordance with Article 19, paragraph 11, of the Constitution of the International Labour Organisation, nothing in the international regulations shall affect any law, award, custom or agreement between employers and workers which ensues more favourable conditions to the workers than those provided for in such regulations.

## X. — SUPERVISION OF ENFORCEMENT

### § 1 — OBLIGATIONS ON EMPLOYERS

47. Drawing up of a roster, to be communicated to the staff and supervisory authorities

48. Keeping of a register or individual card for each worker showing the number of hours worked

49. Issue to each driver of an individual control book.

## § 2 — OBLIGATIONS ON DRIVERS

50. Keeping of an individual control book and entering therein of driving time, hours of work and hours of duty.

## § 3 — OBLIGATIONS ON GOVERNMENTS

51. Establishment of a standard form for control books.

52. Setting up or maintenance of a system for the supervision of enforcement of the regulations, extending not only to garages, depots and other premises, but also to the roads.

53. Indication in the annual reports under Article 22 of the Constitution of the International Labour Organisation, of the action taken for supervision of application of the international regulations, and in particular :

- (a) The cases in which the national regulations fix limits for hours of work and hours of duty only, without fixing a limit for total driving time (Point 11), and a single limit for hours of duty, without fixing a special limit for hours of work (Point 16),
  - (b) The method of averaging for hours of work and hours of duty;
  - (c) The number of hours of overtime worked,
  - (d) Any recourse to the special provisions for the gradual application of the international regulations,
  - (e) Any recourse to the special provisions for certain areas or countries
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## APPENDIX

### STATISTICS OF HOURS OF WORK

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The statistics of hours of work in road transport given in the following tables are arranged in two sections

The first section contains the principal data available in the official statistics of certain countries which publish figures on this subject, these refer as far as possible to the period 1927-1937. These statistics deal on the one hand with the average hours of work per worker per week or day, calculated on the basis of surveys made in a certain number of representative establishments, and on the other hand with the normal hours of work laid down in collective or individual agreements, the decisions of arbitration courts or other similar bodies, legislative provisions, etc. As a result of the divergencies in the industrial or occupational classifications of different countries and certain differences in the methods of compiling the statistics, these data are more suitable for showing the changes in each country than for international comparisons of the number of hours actually worked or of the normal working hours.

The second section contains data taken from an enquiry made annually by the International Labour Office with the help of the statistical services of different countries with a view to collecting the most comparable information possible concerning wages, normal hours of work, and prices in different towns for 30 given occupations. The figures reproduced here refer to normal hours of work (in the sense indicated above) in four occupations in the road transport industry in October 1936. The data in this part are more comparable internationally than those in the first part. It should be noted, however, that the occupations for which figures are communicated to the Office do not always correspond exactly from one country to another, the most important divergencies are indicated in the notes to the tables.

# I. Données extraites des statistiques nationales

## I. Data taken from national statistics

A *Nombre d'heures effectuees en moyenne par ouvrier*

A *Average actual hours of work per worker*

### ÉTATS-UNIS

### UNITED STATES

Nombre d'heures effectuees en moyenne par ouvrier et par semaine

Average actual hours of work per worker per week

Date		Tramways et autobus (trafic et entretien)  Electric railroad and motor bus (operation and maintenance)	Date		Tramways et autobus (trafic et entretien)  Electric railroad and motor bus (operation and maintenance)
1932	XII	46 3	1936	III	47 2
1933	VI	46 4		VI	46 8
	XII	45 3		IX	45 8
1934	VI	45 8		XII	46 9
	XII	45 6	1937	III	46 4
1935	VI	45 3		VI	46 6
	XII	47 0		IX	46 0

SOURCE *Monthly Labor Review* (U S Department of Labor, Bureau of Labor Statistics)

Nombre d'heures effectuees en moyenne par personne par semaine dans les transports par autobus et par camion, en juillet 1933

Average actual hours of work per person per week in motor-bus and truck transportation, in July 1933

Profession	Effectif couvert  Number of em ployees	Nombre moyen d heures effectuées par semaine  Average number of hours worked per week		Occupation
		En service	Au volant	
		On duty	En route	
<i>Transport par autobus</i>				
Conducteurs, ensemble	4 335	47 7	41 4	<i>Motor-bus transportation</i>
Conducteurs	3 406	51 1	44 4	All crew members
Aides-conducteurs	302	44 9	38 1	Drivers, regular
Conducteurs auxiliaires	627	30 4	26 4	„ relief
				„ extra
Entretien des autobus	2 400	54 1	*	All maintenance employees
<i>Transport par camion</i>				
Conducteurs, ensemble	4 052	50 7	37 1	<i>Motor truck transportation</i>
Conducteurs (intervilles)	2 348	52 3	38 6	All crew members
Aides-conducteurs (inter- villes)	268	40 9	29 2	Inter-city drivers, regular
Conducteurs (camionnage local)	137	51 1	*	Inter-city drivers, extra
Conducteurs, réception et livraison	913	51 6	*	Drivers, local cartage
Aides-conducteurs	386	41 0	29 0	Drivers, local pick up and delivery
				Helpers, drivers
Entretien des camions	658	53 3	*	All maintenance employees

SOURCE "Wages and Hours of Labor in the Inter-city Motor-bus and Truck Transportation Industries, July 1933", *Monthly Labor Review*, June 1934, pp 1415-1440

GRANDE-BRETAGNE

GREAT BRITAIN

Nombre d'heures effectuées en moyenne par ouvrier pendant la semaine finissant le 12 octobre 1935<sup>1</sup>

Average actual hours of work per worker in the week ended 12 October 1935<sup>1</sup>

Services	Heures effectuées Actual hours	Services
Autobus, etc (services non commerciaux)	49 1	Omnibus and motor-coach service (other than local authorities)
Camionnage, etc		Cartage and haulage contracting
Etablissements occupant moins de 10 travailleurs	48 5	Firms employing less than 10 workers
Etablissements occupant 10 travailleurs et plus	50 2	Firms employing 10 or more workers

Source: Twenty-second Abstract of Labour Statistics of the United Kingdom (1922-1936), p. 111 Cmd 5556

JAPON

JAPAN

Nombre d'heures effectuées en moyenne par ouvrier et par jour<sup>1</sup>

Average actual hours of work per worker per day<sup>1</sup>

Date	Autobus Street buses	Date	Autobus Street buses
1927 XII	8 05	1933 VI	8 57
1928 VI	8 05	XII	8 55
XII	8 05	VI	8 08
1929 VI	7 25	XII	8 77
XII	7 25	1935 VI	8 72
1930 VI	7 25	XII	8 80
XII	7 25	1936 III	8 67
1931 VI	7 25	VI	8 75
XII	7 47	IX	8 90
1932 VI	8 68	XII	8 90 <sup>2</sup>
XII	8 80	1937 III	9 03
		VI	9 00

<sup>1</sup> Après déduction des temps de repos recordés au cours de la journée du travail — After deducting rest periods allowed during the working day

<sup>2</sup> Chiffre de novembre 1936 — Figure for November, 1936

SOURCE 1 *Chunjin Bukka Tokei Geppo* 2 *Tokei Jiho* (Bureau de statistique du Cabinet impérial)

*B Heures de travail normales — Normal hours of work*

**AUSTRALIE**

**AUSTRALIA**

Heures de travail normales par semaine dans les transports terrestres  
Normal hours of work per week in land transport

Date <sup>1</sup>	Transports terrestres (autres que par rail) Land transport (other than rail transport)	Date <sup>1</sup>	Transports terrestres (autres que par rail) Land transport (other than rail transport)
1927 VI	45 93	1935 VI	45 74
1928 VI	45 81	1935 XII	45 74
1929 VI	45 74	1936 III	45 74
1930 VI	45 74	VI	45 74
1931 VI	47 53	IX	45 74
1932 VI	46 22	XII	45 74
1933 VI	46 22	1937 III	45 74
1934 VI	45 74	VI	45 74

<sup>1</sup> Fin du mois — End of month

SOURCE *Quarterly Summary of Australian Statistics*

**CANADA**

**CANADA**

Heures de travail normales par semaine dans le camionnage  
Normal hours of work per week in trucking and cartage

Date	Hallfax	Montreal	Ottawa	Toronto	Vancouver	Winnipeg
<i>Conducteurs de camions — Motor truck drivers</i>						
1927	*	50-63	54	44-56	44-54	45-50
1928	*	50-63	54	44-56	48-54	45-50
1929	44	50-60	44-54	44-65	48-54	45-54
1930	48-54	50-60	53-60	44-65	45-57	44-51
1931	48-54	50-60	53-60	44-65	45-54	44-51
1932	44-48	50-60	44-60	40-65	40-54	40-54
1933	44-48	47-60	44-60	44-60	40-54	40-51
1934	44-54	40-60	40-60	45-65	40-54	48-55
1935	44-54	48-60	44-54	44-65	44-54	44-54
1936	44-54	40-60	44-54	44-65	44-50	44-54
<i>Conducteurs d'attelages — Teamsters</i>						
1927	60	50-63	54	50-60	48-54	50
1928	60	50-60	48	48-54	48-54	50
1929	44	60	44-54	51-55	48-54	48-54
1930	54	45-60	48-60	50-60	48-54	48
1931	54	40-60	48-60	20-56	*	48
1932	54	40-60	48-60	20-55	*	48
1933	44	40-60	48-54	45-55	*	48
1934	44-48	48-60	44	40-56	*	48
1935	44-48	40-60	44-54	48-56	*	48-54
1936	44-48	50-60	44	48-62	*	48-54

SOURCE *Wages and Hours of Labour in Canada*

## ÉTATS-UNIS

## UNITED STATES

Heures de travail normales par semaine dans le transport par route  
Normal hours of work per week in road transport

Date	Chauffeurs	Conducteurs d'attelages et d'autos Teamsters and drivers	Ensemble All groups	Conducteurs de camions Truck drivers
1927 V	54 2	55 8	54 7	*
1928 V	54 4	55 7	54 8	*
1929 V	53 5	55 3	54 0	*
1930 V	53 2	55 5	53 7	*
1931 V	53 0	56 8	53 7	*
1932 V	53 1	53 6	53 2	*
1933 V	52 8	54 1	53 0	*
1934 V	*	*	*	49 3
1935 V	*	*	*	48 4
1936 V	*	*	*	48 1

<sup>1</sup> Milieu du mois — Middle of the month

SOURCE *Monthly Labor Review* (U S Department of Labor, Bureau of Labor Statistics)

## GRANDE-BRETAGNE

## GREAT BRITAIN

1 Heures de travail normales par semaine  
1 Recognised normal weekly hours of labour

Date <sup>1</sup>	Transport par route <sup>1</sup> Road transport	Date <sup>1</sup>	Transport par route <sup>1</sup> Road transport
1927 XII	48	1932 XII	48
1928 XII	48	1933 XII	48
1929 XII	48	1934 XII	48
1930 XII	48	1935 XII	48
1931 XII	48	1936 XII	48

<sup>1</sup> Fin du mois — End of month

<sup>2</sup> Durée en vigueur dans 12 villes principales — In 12 large towns

SOURCE *Twenty-second Abstract of Labour Statistics of the United Kingdom (1922-1936)* p 87, Cmd 5556

2 Heures de travail normales pendant la semaine finissant le 12 octobre 1935  
2 Average normal hours of work in the week ended 12 October 1935

Services	Heures normales Normal hours	Pourcentage des ouvriers dont la durée de travail par semaine était de (heures normales) Percentage of workers whose normal weekly hours were						Services
		jusqu'à 44 up to 44	44½ à 46½ 44½ to 46½	17	47½ à 47¾ 47½ to 47¾	43	plus de 48 over 48	
Autobus, etc (services non communaux)	48 7	0 7	0 5	14 8	0 4	65 7	17 9	Omnibus and motor coach services (other than local authorities)
Camionnage, etc								Cartage and haulage contracting
Etablissements occupant moins de 10 travailleurs	48 5	7 2	5 4	3 8	0 3	58 9	24 4	Firms employing less than 10 workers
Etablissements occupant 10 travailleurs et plus	48 7	2 5	0 8	4 3	0 7	71 3	20 4	Firms employing 10 or more workers

SOURCE *Twenty-second Abstract of Labour Statistics of the United Kingdom (1922-1936)*, p 111 Cmd 5556

## II. Données obtenues par une enquête spéciale du B.I.T.

(Voir *Revue internationale du Travail*, mars 1938)

## II. Data obtained by a special enquiry of the I.L.O.

(See *International Labour Review*, March 1938)

*Nombre d'heures de travail normales par semaine des ouvriers, hommes adultes, de quelques professions dans les transports par route, en octobre 1937<sup>1</sup>*

*Number of normal hours of work per week of adult male workers in certain occupations in road transport, in October 1937<sup>1</sup>*

Pays et villes	Tramways et autobus		Camionnage		Country and towns				
	Trams and buses		Cartage						
	Conduc- teurs  Drivers	Receveurs  Conductors	Chauffeurs de camions  Motor drivers	Conducteurs de chevaux (1 cheval)  Horse drivers (1 horse)					
Argentine Buenos-Ayres	48	48	44	*	Argentina Buenos Aires				
Australie Melbourne Sydney	48 44	48 44	48 44	48 44	Australia Melbourne Sydney				
Autriche Graz Linz Vienne	} 48	48	48	48	Austria Graz Linz Vienna				
Belgique Bruxelles					48	18	48	48	Belgium Brussels
Bresil Rio de Janeiro São-Paulo					} 48	48	48	48	Brazil Rio de Janeiro São Paulo
Canada Halifax Montréal Ottawa Toronto Vancouver Winnipeg									53 2 3 54 2 49 5 44-48 48 42
Chili Santiago	48	48	*	*					Chile Santiago
Danemark Copenhague	48	48	48	54-57					Denmark Copenhagen
Estonie Tallinn Tartu	48 48 4	48 48 4	48 48	48 48	Estonia Tallinn Tartu				
Etats-Unis Boston Chicago Nouvelle-Orléans New-York Saint-Louis San-Francisco	(a) 48 2 48 2 48 5 48 6 45 2 48 2	(a) 48 2 48 2 * * 45 2 48 2	} 44 7	* * * * * *	United States Boston Chicago New Orleans New York St Louis San Francisco				
France Bordeaux Lille Lyon Marseille Nancy	40 40 40 2 40 40	40 40 40 2 40 40 2			40 40 40 6 40 40	40 40 40 40 40	France Bordeaux Lille Lyons Marseilles Nancy		

(a) Octobre 1936 — October 1936

<sup>1</sup> Pour l'Estonie juillet 1937 — Except for Estonia July 1937 <sup>2</sup> Employés de trams seulement — Tram employees only <sup>3</sup> Conducteurs-receveurs de trams (desservis par un seul homme) — Tram operators (one-man) <sup>4</sup> Employés d'autobus seulement — Bus employees only <sup>5</sup> Conducteurs-receveurs d'autobus, desservis par un seul homme — Operators of one-man vehicles <sup>6</sup> Rouleurs et chargeurs — Drivers and loaders

*Nombre d'heures de travail normales par semaine des ouvriers, hommes adultes, de quelques professions dans les transports par route, en octobre 1937<sup>1</sup> (fin)*

*Number of normal hours of work per week of adult male workers in certain occupations in road transport, in October 1937<sup>1</sup> (concl)*

Pays et villes	Tramways et autobus		Camionnage		Country and towns
	Trams and buses		Cartage		
	Conduc- teurs  Drivers	Receveurs  Conductors	Chauffeurs de camions  Motor drivers	Conducteurs de chevaux (1 cheval)  Horse drivers (1 horse)	
<i>Grande-Bretagne</i>					<i>Great Britain</i>
Birmingham	48	48	48	*	Birmingham
Bristol	*	*	48	48	Bristol
Glasgow	} 48	48	48	48	Glasgow
Leeds					Leeds
Londres					London
Manchester	48	48	48	*	Manchester
Newcastle	48	48	48	*	Newcastle
<i>Hongrie</i>					<i>Hungary</i>
Budapest	48	48	50	64	Budapest
<i>Irlande</i>					<i>Ireland</i>
Cork	48 <sup>2</sup>	48 <sup>2</sup>	48	48	Cork
Dublin	48	48	46-48	48	Dublin
Dundalk	48 <sup>2</sup>	48 <sup>2</sup>	48	47	Dundalk
<i>Lettonie</i>					<i>Latvia</i>
Riga	48	48	48	48	Riga
<i>Norvège</i>					<i>Norway</i>
Oslo	45 <sup>3</sup>	*	48	*	Oslo
<i>Nouvelle-Zélande</i>					<i>New Zealand</i>
Wellington	40	40	44	44	Wellington
<i>Pays-Bas</i>					<i>Netherlands</i>
Amsterdam	48	48 <sup>4</sup>	55	55	Amsterdam
La Haye	48	48	55	55	The Hague
Rotterdam	48	48	55	55	Rotterdam
Utrecht	46 <sup>5</sup>	46 <sup>5</sup>	55	*	Utrecht
<i>Pologne</i>					<i>Poland</i>
Katowice	48	48	*	48	Katowice
Lódz	46	46	*	*	Lódz
Poznan	46	46	*	*	Poznan
Varsovie	46	46	*	46	Warsaw
<i>Suède</i>					<i>Sweden</i>
Göteborg	} 48	48	48	48	Göteborg
Malmö					Malmö
Stockholm					Stockholm
<i>Suisse</i>					<i>Switzerland</i>
Bâle	} 48	48	51	51	Basle
Berne					Berne
Zurich					Zurich
<i>Union Sud-Africaine</i>					<i>Union of South Africa</i>
Le Cap	48	49 <sup>5</sup>	48	*	Cape Town
Johannesburg	48	48	48	*	Johannesburg
<i>Yougoslavie</i>					<i>Yugoslavia</i>
Belgrade	48	48	60	60	Belgrade
Ljubljana	60	60	60	60	Ljubljana
Sarajevo	60	60	60	70	Sarajevo
Split	48	54	60	60	Split
Zagreb	48	48	48	48	Zagreb

<sup>1</sup> Pour l'Irlande novembre 1937 — Except for Ireland November 1937      <sup>2</sup> Employés d'autobus seulement — Bus employees only      <sup>3</sup> Autobus généralement desservis par un seul homme — Buses generally served by one man only      <sup>4</sup> Receveurs de trams seulement — Tram conductors only      <sup>5</sup> Conducteurs-receveurs de voitures desservis par un seul homme — Operators of one-man vehicles

